



THE DARKNESS DEEPENS

The Crackdown on Human Rights
in China 2016-2020



The Conservative Party
Human Rights Commission

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“ This deeply researched and exceptionally well informed report gives a terrifying view of the cruelty of Xi Jinping’s brutal regime. To try to preserve its grip on power the Chinese Communist Party has assaulted any sign of dissent and has set about building a totalitarian surveillance state beyond George Orwell’s imaginings. The report demonstrates exactly why we must be on our guard in democracies to protect our freedoms and values.”

*- The Rt Hon Lord Patten of Barnes,
the last Governor of Hong Kong
and former Chairman of the Conservative Party*

“This powerful and well-researched report paints a terrifying picture of the Chinese Communist Party regime’s brutal repression. There have been other reports on specific issues, such as the Uyghurs, Tibet and Hong Kong, but very few that provide such a comprehensive analysis of the litany of human rights violations affecting everyone living under this cruel regime. From slavery to forced organ harvesting, surveillance to torture, genocide to persecution of all religious groups, disappearances, arbitrary detention and forced televised confessions, this report has unearthed a catalogue of atrocities that demand the urgent attention of and action by the international community. This report follows two significant reports by Professor Adrian Zenz on Uyghur slave labour in factories in Xinjiang and, using confirmed Government documents, the forced sterilisation of Uyghur women. Given the continued situation in Hong Kong, China’s aggression on its borders and widespread suppression of religious expression, the UK Government must lead the free world by sending a clear message that China must stop these abusive behaviours. I hope our government will study this report’s findings and recommendations and act accordingly.”

*- The Rt Hon Sir Iain Duncan Smith MP, former
Leader of the Conservative Party*

“The evidence presented in this report is of a wide range of human rights abuses: torture, arbitrary arrest and forced confessions accompanied by a clampdown on freedom of religion and the incarceration of huge numbers of people in Xinjiang. We should condemn such abuses anywhere in the world, and China cannot be an exception to that. However we conduct our relations with China in the future it is important to have our eyes fully open. This report will help to open them”.

*- The Rt Hon Lord Hague of Richmond,
former Foreign Secretary*

“This report on China and the human rights record of Xi Jinping makes sad and disturbing reading but it should be read in every Foreign Ministry around the world. If only it could also be read by the Chinese people. They would realise the degree to which millions of their fellow citizens are being persecuted and imprisoned by a cruel Communist Party.”

*- The Rt Hon Sir Malcolm Rifkind QC,
former Foreign Secretary*

“This compelling report draws on extensive evidence to audit the human rights situation in China, which has sadly become worse and clearer in recent years. The use of abhorrent practices such as the imprisonment and torture of dissidents, mass surveillance, organ harvesting, and the use of slave labour shows the Chinese Communist Party for what it is. It is clear that the Golden Era is over and the UK, and our allies, need to rethink our relations with China’s dictatorship.”

*- Tom Tugendhat MP, Chair of the
House of Commons Foreign Affairs Committee*

“This carefully compiled, and thoroughly researched report makes very disturbing reading. It is nothing less than a damning indictment of the treatment of persecuted minorities by a nation which appears to have ambitions of world domination. I hope it will be carefully and widely read.”

- Lord Cormack

About the Conservative Party Human Rights Commission

The Conservative Party Human Rights Commission was set up by the then Shadow Foreign Secretary, the Rt Hon Liam Fox MP, in 2005 to highlight international human rights concerns, to inform, advise and enhance the party’s foreign policy. Freedom and human dignity should be at the heart of foreign policy and the Commission aims to ensure that the importance of fundamental human rights is kept high on the political agenda. The Chair of the Conservative Party Human Rights Commission is appointed by the Leader of the Conservative Party. Since its creation the Commission’s Chairs have included Gary Streeter MP, the Rt Hon Stephen Crabb MP, the Rt Hon Sir Tony Baldry QC MP, and the Rt Hon Robert Buckland QC MP, and the immediate past Chair was Fiona Bruce MP (2015-2020), who resigned in December 2020 on her appointment as the Prime Minister’s Special Envoy for Freedom of Religion or Belief. The Deputy Chair of the Commission since its formation in 2005 has been Benedict Rogers.

Members of the Conservative Party Human Rights Commission who took part actively in this inquiry include Baroness Hodgson of Abinger CBE, Fiona Bruce MP (during her tenure as Chair of the Commission), Benedict Rogers (Deputy Chair of the Commission), David Burrowes, and Luke de Pulford. The report is supported by The Rt Hon Sir Iain Duncan Smith MP, Nusrat Ghani MP, Tim Loughton MP, Andrew Rosindell MP, Andrew Selous MP, Lord Cormack and Lord Shinkwin, and endorsed by The Rt Hon Lord Patten of Barnes, The Rt Hon Lord Hague of Richmond, The Rt Hon Sir Malcolm Rifkind QC, Tom Tugendhat MP, Lord Cormack and The Rt Hon Sir Iain Duncan Smith MP.

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Foreword

By The Baroness Hodgson of Abinger CBE

On 22 October 2015 an Urgent Question on China was tabled in the House of Commons. It read as follows: “To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on human rights in China, following reports that human rights lawyer, Zhang Kai, imminently faces a severe prison sentence or the death penalty for defending civil liberties.”

At the time, that Urgent Question prompted a furore in the government, for it was right in the midst of the Chinese President Xi Jinping’s State Visit to the United Kingdom. It was the only moment during his State Visit when human rights in China were raised publicly, and the question was raised on the floor of the House of Commons. Members of Parliament on all sides welcomed the moment and contributed to the debate, but coming at the height of the so-called “Golden Era” of Sino-British Relations, the then government itself was not happy. They were still pursuing the misguided approach of being silent on human rights in China in the belief that it would result in more trade, investment and economic ties and better co-operation on major geopolitical challenges.

In the subsequent months, as the Conservative Party Human Rights Commission learned more about the horrific deterioration in human rights in China, we became more and more clear about one thing: not only is it morally right, but it is also in our own national interest, to speak out for our values of freedom, democracy, the rule of law and fundamental human rights.

For that reason, the Conservative Party Human Rights Commission held an inquiry on human rights in China in 2016. As Commission members sat in committee rooms in Parliament listening to courageous witnesses presenting first-hand evidence of appalling violations of human rights, we knew that silence in the face of such barbarity would amount to complicity. The more the evidence mounted – of lawyers disappearing, of human

rights defenders tortured, of churches, mosques and temples destroyed, of journalists, bloggers and dissidents jailed, of elected legislators in Hong Kong disqualified and booksellers abducted, of forced organ harvesting – the more convinced we were that we had no choice but to speak out.

The report that resulted from that inquiry was called *The Darkest Moment*, a phrase that came from the testimony of Chinese dissident Dr Yang Jianli. Just as that Urgent Question in October 2015 was unpopular in certain circles in government, so too was that report – but more so. But the Conservative Party Human Rights Commission took the view that our findings should speak for themselves, our report was based on solid evidence, and it was then up to others to make up their minds as to how to pursue Britain’s relations with China based on what we now know about the conduct of China’s ruling regime.

In the ensuing four years, members of the Conservative Party Human Rights Commission regularly raised questions in Parliament about human rights in China, particularly when the Commission’s deputy chair Benedict Rogers was denied entry to Hong Kong. The Commission pursued the matter further too, with follow-on inquiries and reports into Forced Organ Harvesting in China and the influence of China’s Confucius Institutes. The Commission’s Reports can be found on our website <https://conservativepartyhumanrightscommission.co.uk/>



In early 2020 the Commission felt it was time to take another look more broadly at the human rights situation in China. By then, the mood was beginning to change. Concerns were being expressed in Parliament about Huawei's presence in our telecommunications infrastructure. Increasing attention was given to atrocity crimes against the Uyghurs in Xinjiang. Parliamentarians across all parties were increasingly alarmed by the erosion of freedoms and autonomy in Hong Kong. And the impending arrival of the COVID-19 pandemic was raising questions about its origins, and the Chinese Communist Party regime's handling of the virus in its early stages. Suddenly, talking about human rights in China was no longer peripheral, no longer a nuisance, but mainstream.

And so the Conservative Party Human Rights Commission decided it was time to take another look at the situation and hold another inquiry.

We had planned to hold a series of hearings in Parliament, in the normal way, but within days of announcing our inquiry the spread of COVID-19 had become so severe that the government announced restrictions, firstly in Parliament and then across the country, and so public hearings in-person proved impossible. However, with the help of modern technology, our Commission were able to hold the inquiry nevertheless, through online hearings and written submissions, and throughout 2020 we have worked hard to gather and analyse evidence of the human rights situation in China in the period since our last report, and to develop policy recommendations for how the United Kingdom and the international community should respond.

One thing is very clear as we present this report. Four years ago we were the canaries in the coalmine, calling attention to China's

human rights crisis, almost as a lone voice in Westminster (though many other courageous voices have been advocating for many years well beyond Westminster and Whitehall). Today we are one of many voices, including from within the current Government, which we welcome, and we hope that this report will serve as a contribution that will further the debate about how we recalibrate our relationship with China, how we hold the Chinese regime to account for its violations of human rights and international agreements, and how we shape a new international order in which values of human rights, the rule of law, international treaty promises as well as freedom and democracy are defended and promoted.

I express my profound appreciation and respect for the Commission's Deputy Chair, Benedict Rogers, both for producing the initial draft of this report and for his dedicated commitment to raising the human rights concerns referred to in it. I pay tribute to Fiona Bruce MP, for her leadership of this Commission over the past five years, and wish her every success in her new role as the Prime Minister's Special Envoy for Freedom of Religion or Belief. I also put on record my thanks to our co-Commissioner, David Burrowes, for chairing the majority of the nine inquiry sessions which helped inform this report, and to the Parliamentarians who support the report, Sir Iain Duncan Smith MP, Nusrat Ghani MP, Tim Loughton MP, Andrew Rosindell MP, Andrew Selous MP, Lord Shinkwin and Lord Cormack, and those who have so generously endorsed it, namely Lord Patten of Barnes, Lord Hague of Richmond, Sir Malcolm Rifkind, Tom Tugendhat MP and again Sir Iain Duncan Smith MP and Lord Cormack. And finally, most particularly to all those who gave evidence at our hearings or by way of written submissions – thank you for your courage in speaking out.

The Baroness Hodgson of Abinger CBE
Conservative Party Human Rights Commission's China Inquiry 2020

Outline Summary

Key findings

- The Chinese Communist Party regime has intensified an assault on all human rights throughout China – not only the atrocity crimes perpetrated against the Uyghurs and Tibetans, and the dismantling of Hong Kong's promised freedoms, but violations all human rights affecting every group and individual throughout the country.
- Over a million, perhaps as many as three million, Uyghurs and others in the Xinjiang Uyghur Autonomous Region (XUAR) are incarcerated in prison camps.
- A committee of the Canadian Parliament has concluded that the atrocities against the Uyghurs amount to genocide, a new Uyghur Tribunal has been established to determine whether it amounts to genocide, and increasingly experts are pointing to indicators of genocide.
- Repression in Tibet has intensified – and as the world focuses on Uyghurs and Hong Kong, it is vital we do not forget Tibet.
- The imposition of the draconian national security law on Hong Kong, fast-tracked through the National People's Congress, with no scrutiny, debate or accountability, and containing severe restrictions on basic freedoms, represents a grave violation of the Sino-British Joint Declaration and the dismantling of Hong Kong's promised freedoms, human rights, the rule of law and autonomy.
- Torture is endemic, widespread, systematic and conducted with impunity.
- Forced televised confessions are now commonplace, with China Central Television (CCTV) and China Global Television Network (CGTN) used to film and broadcast them.
- The Chinese Communist Party regime's silencing of 'whistleblowers', especially doctors and citizen journalists, at the outbreak of the COVID-19 pandemic resulted in serious human rights violations and the spread of the virus.
- Freedom of religion or belief in China is under the most severe crackdown since the Cultural Revolution.
- The Chinese legal system is based on "rule by law" not "rule of law".
- Arbitrary arrests and disappearances are commonplace.
- The China Tribunal concluded "beyond reasonable doubt" that forced organ harvesting from prisoners of conscience is perpetrated in China and amounts to a crime against humanity.
- Evidence suggests forced labour "on a massive scale", used in the supply chains of at least 83 global brands.
- The Chinese Communist Party regime is building an all-encompassing surveillance state, and Chinese technology companies such as Huawei are at the heart of this operation.
- China's increasing influence at the UN and other multilateral institutions is a grave concern.

Executive Summary

In March 2020, the Conservative Party Human Rights Commission opened its second inquiry into the human rights situation in China. This inquiry comes four years after our previous China inquiry, and against the backdrop of the COVID-19 pandemic, an intense debate in the United Kingdom at the start of the year over whether the Chinese telecommunications company Huawei should be awarded a stake in Britain's 5G telecommunications infrastructure, increasing evidence emerging of egregious atrocity crimes against the Uyghurs in the Xinjiang Uyghur Autonomous Region (XUAR), and unfolding events in Hong Kong throughout the year which represent a grave breach of the Sino-British Joint Declaration and the dismantling of basic freedoms, the rule of law and autonomy in the territory.

Over several months the Conservative Party Human Rights Commission held hearings online and heard oral evidence from a variety of witnesses and experts, and received at least 40 written submissions. Evidence was presented by Chinese dissidents, lawyers, religious adherents and civil society, Uyghurs, Hong Kongers, Tibetans as well as from prominent human rights Non-Governmental Organisations (NGOs) and academics. The scope of this inquiry was focused on the period specifically since our previous inquiry, in other words 2016-2020.

As our formal inquiry proceedings drew to a close, the Chinese government imposed a new, draconian national security law on Hong Kong, fast-tracked through the National People's Congress with absolutely no transparency, scrutiny, consultation or debate, in total breach of both Hong Kong's mini-constitution known as the Basic Law, and the Sino-British Joint Declaration. The effect of this new security law has been to completely destroy Hong Kong's remaining freedoms, autonomy and way of life and severely undermine the rule of law. Without doubt the picture across the board represents an extremely serious human rights

crisis, and a further deterioration since our previous inquiry four years ago.

The Conservative Party Human Rights Commission received evidence detailing the serious violations of freedom of expression, freedom of the media and freedom of religion or belief throughout China, the widespread and systematic use of torture and ill-treatment, forced confessions, forced organ harvesting, modern day slavery, the establishment of an Orwellian surveillance state, the harassment, intimidation, disappearance and imprisonment of lawyers, human rights defenders and civil society activists and the complete absence of due process, judicial independence or the rule of law in the legal system. We also heard evidence of particular violations during the COVID-19 pandemic, and China's increasing aggression towards critics of its human rights record in multilateral organisations, particularly the United Nations. We received evidence about the situation of the Uyghurs and others in the XUAR, continuing repression in Tibet, and increasing human rights violations in Hong Kong.

Without exception, every oral and written submission to our inquiry detailed a severe deterioration from the already very serious human rights situation four years ago.

As CSW told the Conservative Party Human Rights Commission in their written submission, "the human rights situation in China has continued to deteriorate during the period 2016 to the present. This downward trend has consisted of increasing human rights abuses under Xi Jinping, accompanied by and manifested through shrinking space for civil society, a heightened sensitivity to perceived challenges to Party rule, and the introduction of legislation that curtails civil and political rights in the name of national security ... Human rights defenders inside and outside China agree that there has been a rapid and significant decline in the human rights

situation in China since President Xi Jinping took office which has continued from 2016 to the present with a further intensification of repressive measures, limiting freedom of expression online and offline, and stamping out all forms of dissent.”

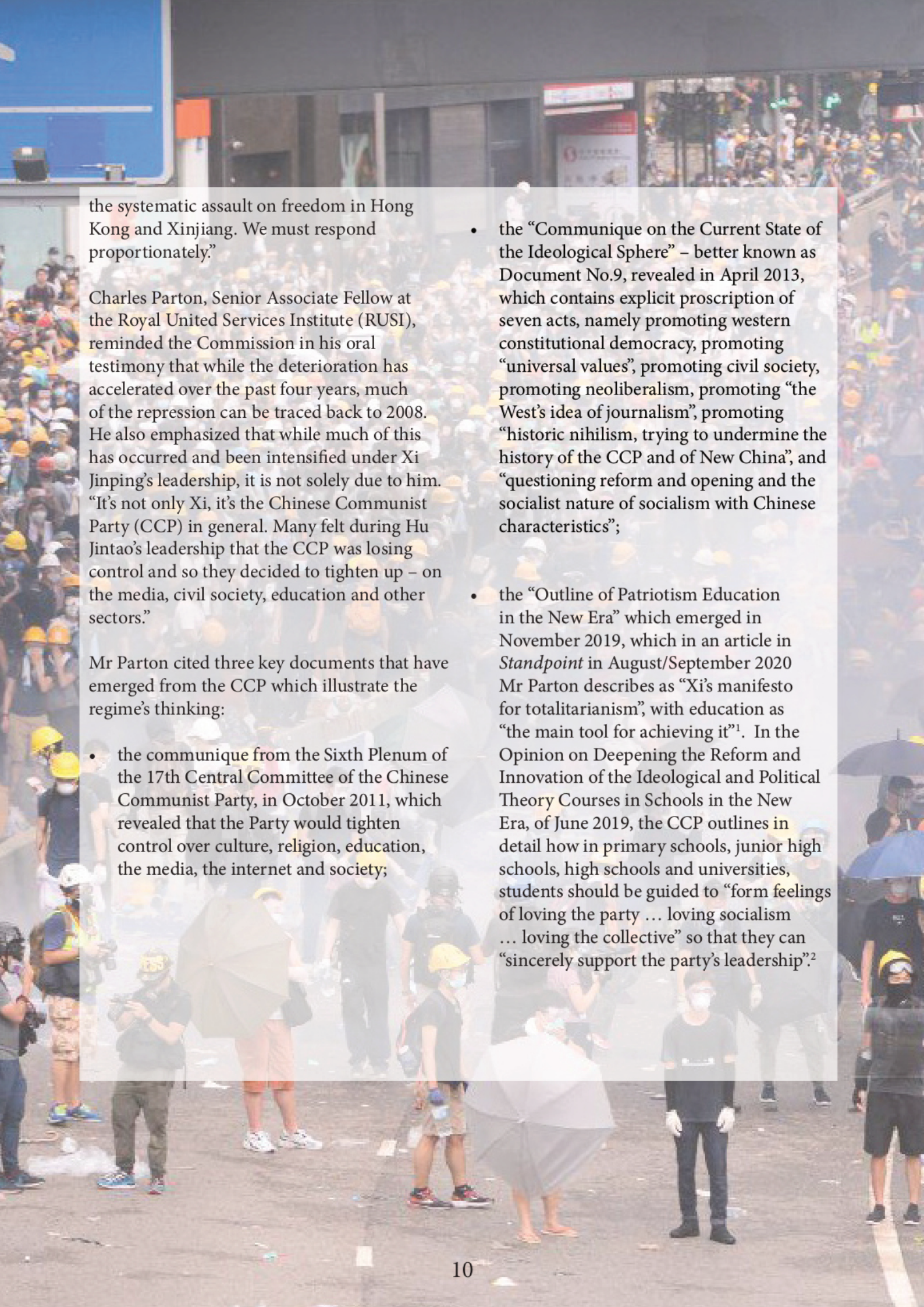
Chinese Human Rights Defenders (CHRD) confirm this, noting in their submission to the Commission that “between April 2016 and March 2020, Chinese authorities passed measures and took actions that continued to demonstrate that President Xi Jinping is intent on trampling on human rights in China. Pushing for his vision of a dystopian digital surveillance state, Xi wielded his largely unfettered powers to suppress those aspiring for and promoting a vision of China with respect for universal human rights. The space for rights advocacy has rapidly closed under Xi’s iron fist. During that period, Chinese authorities escalated their ruthless suppression of acts of peaceful assembly, association and expression. It is clear that China’s laws and practices in these areas contravene its own Constitution and international standards ... In addition, torture and ill-treatment or cruel punishment in China remained rampant and perpetrators acted with impunity, in clear violation of numerous human rights conventions and resolutions ... including violent assault, deprivation of proper medical treatment, solitary confinement, deprivation of food or outdoor time, and extending shackling of hands and legs for suspects of non-violent crimes, among many others.”

Dr Yang Jianli, a prominent exiled dissident and founder and President of Citizen Power Initiatives for China, told the Commission in his oral testimony during one of our hearings that “China has gone backwards in all fields”. He argued that the accelerated development of the surveillance system in China since 2016 is “the root cause of human rights violations” and has turned China into a “virtual gulag”.

In her oral testimony to the Conservative Party Human Rights Commission in a hearing, Dr Sophie Richardson, China Director of Human Rights Watch, summarized the deterioration

in the human rights situation as amounting to the regime’s “total hostility to human rights defenders, including anyone from those campaigning on the environment or against domestic violence to those advocating the abolition of the death penalty; the murder of legal reform, with modest gains of the past lost and laws that were not bad on paper replaced with laws which codify the ability to commit human rights violations; an approach to the peripheries, particularly Xinjiang and Hong Kong which is off the charts; abuses of surveillance technology; and assiduous efforts to undermine the international human rights architecture especially at the United Nations.”

Hong Kong Watch noted in a supplementary submission received shortly before publication of this report that: “The scope of Beijing’s plans for the National Security Law are now clear. This is a constitutional coup. The safeguards which have historically defended human rights in Hong Kong have been shattered. Rule of law has been replaced with rule by law – and the Communist Party’s word is law. The new status quo has seen many young people arrested, including prominent activists like Joshua Wong. We are seeing the screening out of opposition lawmakers. The Foreign Secretary was right to declare that the disqualification of Hong Kong lawmakers was a breach of the Sino-British Joint Declaration. Hong Kongers are becoming permanently disenfranchised. For Hong Kongers, this confirms their worst fears. Many will now be looking at their options: some will stay and continue to stand for freedom in the city they love, others will be looking for a way out. The path is costly for both groups. Britain must be ready to welcome Hong Kongers who decide to seek a way out. While the UK government has offered three million Hong Kong residents a path to citizenship, visa fees proposed by the Home Office are exorbitant and should be removed. The British government has rightly taken a strong stance on passports but they must continue to press China in other areas. These latest incidents are another serious violation of the Sino-British Joint Declaration. Sanctions should now be implemented, as should further action with allies to reduce Britain’s strategic dependency on China. People are waking up to

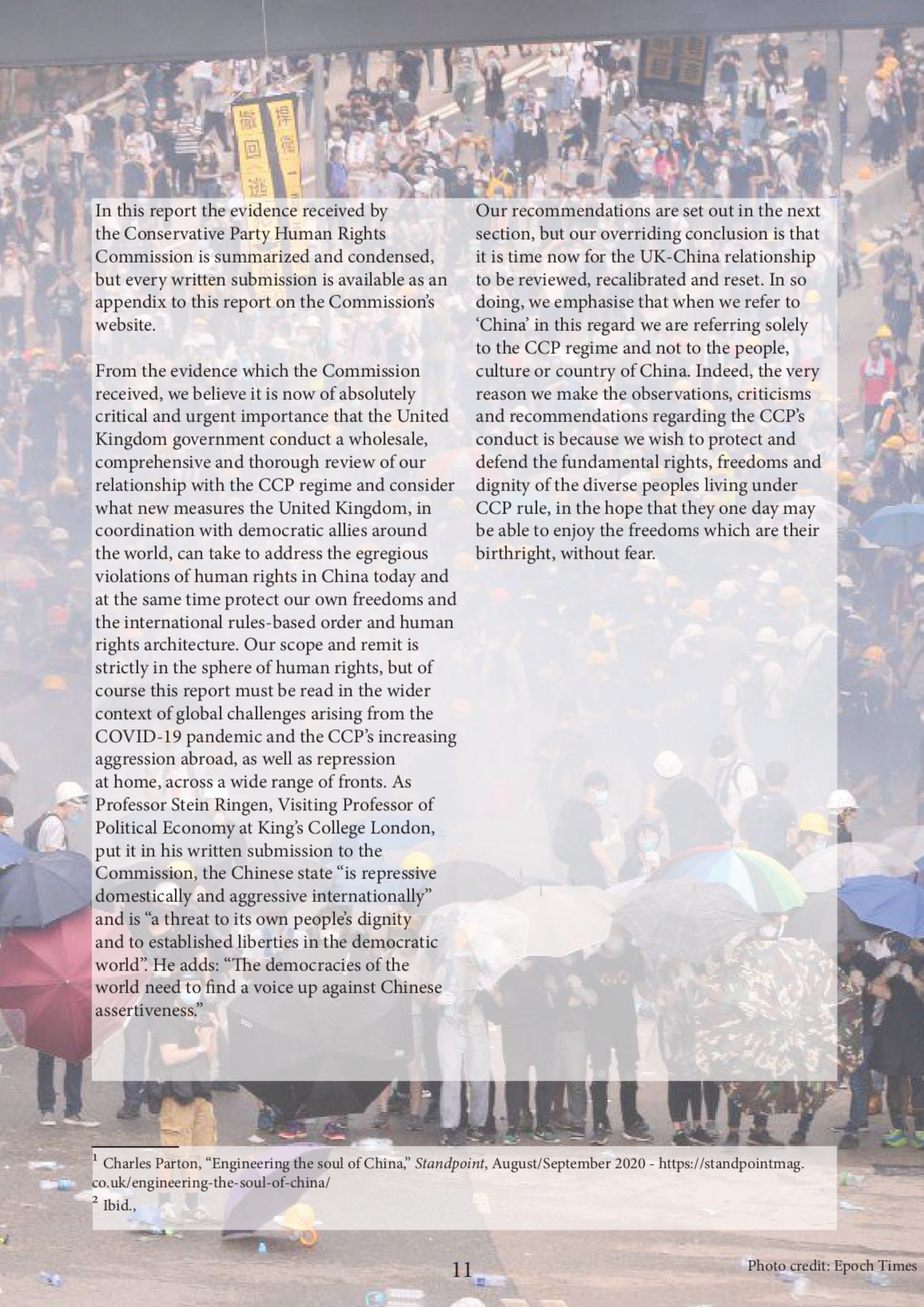


the systematic assault on freedom in Hong Kong and Xinjiang. We must respond proportionately.”

Charles Parton, Senior Associate Fellow at the Royal United Services Institute (RUSI), reminded the Commission in his oral testimony that while the deterioration has accelerated over the past four years, much of the repression can be traced back to 2008. He also emphasized that while much of this has occurred and been intensified under Xi Jinping’s leadership, it is not solely due to him. “It’s not only Xi, it’s the Chinese Communist Party (CCP) in general. Many felt during Hu Jintao’s leadership that the CCP was losing control and so they decided to tighten up – on the media, civil society, education and other sectors.”

Mr Parton cited three key documents that have emerged from the CCP which illustrate the regime’s thinking:

- the communique from the Sixth Plenum of the 17th Central Committee of the Chinese Communist Party, in October 2011, which revealed that the Party would tighten control over culture, religion, education, the media, the internet and society;
- the “Communique on the Current State of the Ideological Sphere” – better known as Document No.9, revealed in April 2013, which contains explicit proscription of seven acts, namely promoting western constitutional democracy, promoting “universal values”, promoting civil society, promoting neoliberalism, promoting “the West’s idea of journalism”, promoting “historic nihilism, trying to undermine the history of the CCP and of New China”, and “questioning reform and opening and the socialist nature of socialism with Chinese characteristics”;
- the “Outline of Patriotism Education in the New Era” which emerged in November 2019, which in an article in *Standpoint* in August/September 2020 Mr Parton describes as “Xi’s manifesto for totalitarianism”, with education as “the main tool for achieving it”¹. In the Opinion on Deepening the Reform and Innovation of the Ideological and Political Theory Courses in Schools in the New Era, of June 2019, the CCP outlines in detail how in primary schools, junior high schools, high schools and universities, students should be guided to “form feelings of loving the party ... loving socialism ... loving the collective” so that they can “sincerely support the party’s leadership”.²



In this report the evidence received by the Conservative Party Human Rights Commission is summarized and condensed, but every written submission is available as an appendix to this report on the Commission's website.

From the evidence which the Commission received, we believe it is now of absolutely critical and urgent importance that the United Kingdom government conduct a wholesale, comprehensive and thorough review of our relationship with the CCP regime and consider what new measures the United Kingdom, in coordination with democratic allies around the world, can take to address the egregious violations of human rights in China today and at the same time protect our own freedoms and the international rules-based order and human rights architecture. Our scope and remit is strictly in the sphere of human rights, but of course this report must be read in the wider context of global challenges arising from the COVID-19 pandemic and the CCP's increasing aggression abroad, as well as repression at home, across a wide range of fronts. As Professor Stein Ringen, Visiting Professor of Political Economy at King's College London, put it in his written submission to the Commission, the Chinese state "is repressive domestically and aggressive internationally" and is "a threat to its own people's dignity and to established liberties in the democratic world". He adds: "The democracies of the world need to find a voice up against Chinese assertiveness."

Our recommendations are set out in the next section, but our overriding conclusion is that it is time now for the UK-China relationship to be reviewed, recalibrated and reset. In so doing, we emphasise that when we refer to 'China' in this regard we are referring solely to the CCP regime and not to the people, culture or country of China. Indeed, the very reason we make the observations, criticisms and recommendations regarding the CCP's conduct is because we wish to protect and defend the fundamental rights, freedoms and dignity of the diverse peoples living under CCP rule, in the hope that they one day may be able to enjoy the freedoms which are their birthright, without fear.

¹ Charles Parton, "Engineering the soul of China," *Standpoint*, August/September 2020 - <https://standpointmag.co.uk/engineering-the-soul-of-china/>

² Ibid.,

Recommendations

The Conservative Party Human Rights Commission welcomes all the recommendations presented in submissions, and urges Her Majesty's government to consider these, as reflected in relevant chapters of this report and in the written submissions published online as an appendix to this report.

The Conservative Party Human Rights Commission itself makes the following ten key recommendations to Her Majesty's Government:

1. To conduct a co-ordinated, comprehensive review of UK-China policy, across all relevant government departments, including consultation with human rights Non-Governmental Organisations (NGOs), human rights defenders and other experts, with a view to a recalibration and a re-set in the relationship and in UK strategy;
2. To lead the establishment of an international coalition of democracies to coordinate a global response to the human rights crisis in China, building on efforts by the G7, the Five Eyes and others, and bringing together the United States, Canada, Australia, New Zealand, Germany, France, the European Union as well as democracies in the Asia-Pacific such as Japan, Korea and Taiwan;
3. To apply targeted sanctions against officials and entities in the Chinese and Hong Kong governments responsible for serious violations of human rights, and to coordinate a global effort among allies, particularly though not exclusively the Five Eyes countries, to apply similar targeted sanctions;
4. To diversify our supply chains and trading relationships and reduce strategic dependency on China;
5. To lead an initiative at the United Nations to build support for the establishment of a UN mechanism specifically to address human rights in China, such as the creation of a Special Rapporteur, Panel of Experts, Commission of Inquiry or an International, Impartial and Independent Mechanism, as recommended by over 50 current UN independent experts, and to strengthen the engagement of existing relevant thematic Special Procedures in regard to the human rights situation in China and Hong Kong;
6. To seek the establishment of accountability mechanisms to hold the perpetrators of mass atrocity crimes to account, either within existing multilateral institutions, structures and mechanisms or by the creation of a new accountability mechanism;
7. To pressure China to stop the use of forced labour in supply chains, and require full transparency for British corporations to ensure that they exercise human rights due diligence to prohibit the use of forced labour in supply chains;
8. To strengthen efforts to raise individual cases of prisoners of conscience in detention in China or Hong Kong and exert sustained pressure for their release;
9. To increase funding, engagement and support for civil society initiatives related to human rights in China and Hong Kong, including in particular for exiled organisations and dissidents;
10. To review the Conservative Party Human Rights Commission's 2016 report, *The Darkest Moment*, and report on progress towards implementing its recommendations.

Introduction

In June 2016, the Conservative Party Human Rights Commission held a major inquiry into the human rights situation in China, looking at the period 2013-2016, the first three years of Xi Jinping's presidency. That inquiry led to the publication of our report *The Darkest Moment: The Crackdown on Human Rights China 2013-2016*³, which concluded that "under Xi Jinping's leadership, human rights in China appear to have deteriorated severely". It further noted that: "Without exception, every single oral and written submission to the Conservative Party Human Rights Commission's inquiry on human rights in China 2013-2016 detailed a severe deterioration in human rights in China during this period and concluded that the situation was the worst it has been in many years. Some say it is the worst time for human rights in China since the Tiananmen massacre of pro-democracy demonstrators in 1989".

Four years on, the Conservative Party Human Rights Commission decided it was appropriate to conduct a new inquiry, particularly in view of recent developments in China, not least the situations in Xinjiang and Hong Kong, further reports of violations of freedom of religion or belief throughout the country, the COVID-19 pandemic and allegations of related violations of freedom of expression, the development of the surveillance state, as well as concerns about the Chinese regime's aggression towards critics beyond its borders and the prospect of the United Kingdom approving an agreement with Huawei to have a stake in the development of our 5G telecommunications network.

Our inquiry focused on the period 2016-2020 and asked the key question: what has changed since the publication of *The Darkest Moment* four years ago? Our conclusion, without doubt, is that an already very grave human rights situation has deteriorated even further since our last inquiry, and that the human rights crisis in China has become even darker still. Indeed with hindsight the title of our 2016 report was premature, for although it reflected the gravity of the situation at the time, it did not anticipate the further deterioration to come. Hence the title of this report: *The Darkness Deepens*.

This inquiry followed the same methodology as all the Commission's inquiries, involving the publication of a Call for Evidence, which was widely disseminated, inviting written submissions, as well as eight oral evidence sessions in which the Commission heard and had an opportunity to question individual expert witnesses. As a result of the Call for Evidence, the Commission received over 40 written submissions from academics, human rights Non-Governmental Organisations (NGOs), dissidents, human rights defenders, organisations representing religious and ethnic groups, individual survivors of human rights violations, and other experts. All written submissions are published on our website as an Appendix to this report, with the exception of those which for security reasons have to be withheld. The only difference between the methodology deployed in this inquiry by comparison with the 2016 inquiry and all other inquiries by the Commission was that, due to the COVID-19 pandemic and the government's restrictions on Parliament and the public during the period of the inquiry, our hearings were held by Commissioners online and, unlike hearings which the Commission normally holds in Parliament, were not public or open to invited or wider audiences. Full details of witnesses providing oral or written evidence to the Commission are provided in the Acknowledgments.

One significant difference between this inquiry and the Commission's 2016 inquiry is the difference in context regarding Sino-British relations. Four years ago, Her Majesty's Government was at the height of championing the concept of the "Golden Era" in Sino-British relations and pursued an approach that largely avoided any public criticism of the Chinese regime's human rights record. In 2020, as a consequence of concerns over Huawei's involvement in the United Kingdom's 5G telecommunications network, the Chinese regime's handling of COVID-19, increasing awareness of the grave human rights situation in Xinjiang and growing concerns over the Chinese regime's breaches of the Sino-British Joint Declaration in Hong Kong, there are increasing demands in Parliament and within government for a comprehensive review and recalibration of the United Kingdom's policy approach to its relationship with the Chinese regime. It is the Commission's hope that this timely report, resulting from an in-depth inquiry, will be received as a constructive and well-informed contribution to the wider review of relations with the Chinese Communist Party regime, and that the regime's egregious, widespread and systematic violations of human rights within China as well as its increasing aggression beyond its borders and its flagrant disregard of and threats to the international rules-based order will significantly inform a recalibration of British foreign policy. Indeed the Commission agrees with The Rights Practice which argues in its submission that: "As the UK reviews its foreign policy in the light of Brexit and as Parliament and the British public have become more aware of the impact of China on the enjoyment of human rights around the world, we have a unique opportunity to ensure that human rights are central to future engagement with China".

As the discussion about how we relate to the Chinese Communist Party regime develops, it is essential to be clear about the distinction between the Chinese regime and the people, country and culture of China. It is vital that anti-Chinese or Sinophobic attitudes are not only avoided but actively countered, and that it is understood that while we must comprehensively recalibrate how we relate to the Chinese Communist Party regime, in our own national interests and in defence of universal human rights, that recalibration should not come at the cost of any hostility towards the Chinese people. On the contrary, such a recalibration must be in the long-term interests of the Chinese people, whose freedoms and human dignity have for so long been repressed and who have been and remain the primary victims of the repression, inhumanity and mendacity of the Chinese Communist Party regime. While "China" is often used as short-hand for the regime, this Commission fully appreciates that China is a great and ancient civilization that has contributed so much to the world over thousands of years, and deserves to be free, to flourish and take its rightful and responsible place on the world stage. It is not China with which anyone should have any problem, but the Chinese Communist Party regime which has ruled China for just over seven decades, a tiny fraction of its history, and which poses one of the most serious foreign policy challenges of our time. As policy-makers grapple with that challenge, the human rights questions which our inquiry and this report presents should take centre stage.

³ The Conservative Party Human Rights Commission, *The Darkest Moment: The Crackdown on Human Rights in China 2013-2016*, published in June 2016 - https://conservativepartyhumanrightscommission.co.uk/wp-content/uploads/2020/03/CPHRC_China_Human_Rights_Report_Final.pdf

Acknowledgements

The Conservative Party Human Rights Commission published a Call for Evidence for our Inquiry into Human Rights in China 2016-20, and we received at least 40 written submissions.

The Commission intended to hold hearings in Parliament but, due to the COVID-19 pandemic, we were only able to conduct one hearing from Parliament, with participants contributing online. However, we were subsequently able to hold eight further hearings online.

We are very grateful to everyone who gave oral and written evidence to the Commission.

In our oral online hearings, we heard evidence from and were able to question the following witnesses: Professor Dibyesh Anand, Head of the School of Social Sciences at the University of Westminster; Rahima Mahmut, representative of the World Uyghur Congress; Charles Parton, Senior Associate Fellow, Royal United Services Institute (RUSI); Teng Biao, Chinese academic and lawyer, founder of the Open Constitution Initiative in 2003, former Lecturer in the China University of Political Science and Law; Simon Cheng, former local employee of the British Consulate-General in Hong Kong, who was arrested, imprisoned and tortured in China; Sophie Richardson, China Director of Human Rights Watch; Robert Godden, co-founder and Executive Director of Rights Exposure; Dr Yang Jianli, founder and President of Citizen Power Initiatives for China; Badiucuo, exiled Chinese dissident and artist/cartoonist; Vicky Xiuzhong Xu and Nathan Ruser, Australian Strategic Policy Institute (ASPI).

We received written submissions from the following organisations: the Australian Strategic Policy Institute (ASPI), Bitter Winter,

China Aid, China Human Rights Defenders, Church of Almighty God (CAG), CSW, the Democratic Party of Hong Kong, Doctors Against Forced Organ Harvesting, the International Coalition to End Transplant Abuse in China (ETAC), The Falun Dafa Association UK, Free Tibet and Tibet Watch, Hong Kong Watch, Human Rights in China, Human Rights Watch, Lawyers for Uyghur Rights, PEN International, Progressive Lawyers Group, Reporters Without Borders, Rights Exposure, The Rights Practice, Safeguard Defenders, Stand with Hong Kong, Tibet Post International, the Uyghur Human Rights Project and the World Uyghur Congress.

We also received written submissions from the following individuals: Yeung Hei Chan, Simon Cheng, Ka-wa Fan, Peter Humphrey, Professor Victoria Tin-bor Hui, Dr Darren Mann, Dr Eva Pils, Professor Stein Ringen, Dr Joanne Smith Finley, Dr Steve Tsang, Dr Yang Jianli, Dr Adrian Zenz, Dr Tao Zhang and from several Uyghur refugees.

The Conservative Party Human Rights Commission is extremely grateful to everyone who contributed to this inquiry, either with oral testimony in our hearings, or written submissions, or both.

The Commission wishes to express our deep appreciation to Jasmine for her hard work in the design of this report, to Badiucuo for generously providing the cover image, and to all contributors of other photographs which illustrate each chapter.

The Commission also wishes to acknowledge the contribution of individual Commissioners who took an active part in the inquiry: the Commission's former Chair Fiona Bruce MP, the Deputy Chair Benedict Rogers, and David Burrowes, Luke de Pulford and Baroness Hodgson of Abinger.

Freedom of expression, information and media

Journalists “continued to encounter various forms of harassment ... including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, and surveillance”
– Safeguard Defenders



Summary

- The Chinese Communist Party regime has intensified its crackdown on all forms of freedom of expression
- According to Reporters Without Borders, more than 100 journalists are detained in dangerous conditions
- Forced televised confessions are now commonplace, with China Central Television (CCTV) and China Global Television Network (CGTN) used to film and broadcast them
- The regime is exerting an ideological grip on universities and the education sector as a whole

Freedom of expression, information and media have continued to be severely repressed in China, as the Chinese Communist Party under Xi Jinping intensifies its crackdown on all forms of dissent, civil society and independent media and increases its development of surveillance technologies. As Reporters Without Borders (RSF) notes in their submission, under Xi Jinping “censorship and surveillance have reached unprecedented levels”.

In RSF’s 2020 World Press Freedom Index, China is ranked 177th out of 180 countries. Although the constitution guarantees “freedom of speech [and] of the press”, in practice, RSF observes, “the government constantly infringes on these freedoms”.

Safeguard Defenders, in its submission to the Conservative Party Human Rights Commission, concurs, noting that “China remains one of the world’s most restrictive environments for the media, both offline and online. The regime operates the world’s most sophisticated system of censorship, commonly referred to as the ‘Great Firewall’”.

RSF claims that “more than 100 professional and non-professional journalists are currently held in conditions that pose a threat to their lives”. The Nobel Peace Prize Laureate Liu Xiaobo and the dissident blogger Yang Tongyan both died in 2017, according to RSF, “from cancers that were left untreated while they were detained”. China remains “among the world’s biggest jailers of journalists”, RSF notes. “Uyghurs are particularly targeted by the Chinese regime with 58 journalists, editors and publishers from the Xinjiang region currently in jail,” RSF reports in its submission to the Commission. Notable examples include Ilham Tohti, a citizen journalist and recipient of the Sakharov Prize and the Vaclav Havel Prize, serving a life sentence because he “reviewed the economic, political and social aspects of the autonomous province of Xinjiang,” according to RSF in its submission, Gulmira Imin, a former administrator of the Uyghur language information website Salkin, serving a life sentence for “separatism” and “disclosing

state secrets”, Li Jianhua (Wen Yu), a commentator sentenced to 20 years imprisonment for writing articles commenting on China’s economic, political and social situation in the Singapore-based Straits Times, and Zhang Haitao, a commentator jailed for 19 years for “inciting subversion of state power” and “disclosing state secrets abroad” because he criticized the regime on social media and in interviews for foreign media.

The regime has particularly “increased its control and censorship of foreign journalists,” according to Safeguard Defenders in their submission, “by refusing to renew their accreditation or simply banning them from the country”. In June 2019 for example, freelance journalist Bethany Allen-Ebrahimian was banned from China, followed by Chin Han Wong in August 2019, and in February 2020 three *Wall Street Journal* journalists were expelled in retaliation for an opinion piece published in the newspaper. “In March this year, China stunned the world by kicking out all foreign journalists from several US media, *the New York Times*, *the Washington Post* and *the Wall Street Journal*, while forcing Voice of America and *TIME* to provide detailed information on their operations in China,” Safeguard Defenders report in their submission to the Commission. “Local assistants are also being denied the right to work for them, effectively shutting them all down in its entirety.”

In addition, foreign journalists “continued to encounter various forms of harassment ... including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, and surveillance,” Safeguard Defenders note. RSF agrees and notes the latest report of the Foreign Correspondents Club of China (FCCC), which according to RSF says that “the authorities were making it increasingly difficult for its members to do their work”. Harassment, RSF claims, “includes being followed, arrested and roughed up.” Since the start of 2020 alone, as of RSF’s submission to the Commission dated 1 May 2020, the authorities in China have expelled 16 foreign journalists.

Chinese Human Rights Defenders (CHRD) note, in their submission to the Commission, that the new National Intelligence Law, effective since June 2017, “may pave the way for courts to punish even a wider scope of activities”, including targeting and increasing scrutiny of Chinese non-governmental organisations (NGOs) accused of receiving foreign funding or working with what the Chinese authorities call “hostile foreign forces”. According to CHRD, “this law, in lockstep with a series of other national security-focused laws adopted under Xi Jinping, has very vaguely and broadly defined what constitutes ‘endangering national security’, while granting more power to security forces.”

Online censorship has further intensified. According to Safeguard Defenders in its submission, “the already limited space for media freedom shrank further during 2019” with “increased controls extended to apolitical spaces such as online music stores and platforms for live streaming, dating, celebrity gossip, and blockchain technology.”

Safeguard Defenders further notes that: “Continued implementation of the 2017 Cybersecurity Law, along with other regulations and increased pressure on private technology companies, has also resulted in greater and more sophisticated internet censorship. The multipurpose social media tool WeChat increasingly employed artificial intelligence to scan and delete images that were deemed to include banned content. Throughout 2019, large-scale deletions of posts and accounts occurred on both WeChat and the Sina Weibo microblogging platform.” WeChat administrators were also warned by State media that, according to Safeguard Defenders, they “could be held responsible for the content in their group under regulations in effect since 2017”. Chinese Twitter users have also faced increasing reprisals for using the blocked platform, according to Safeguard Defenders, “including detention, interrogation, job dismissal and forced deletion of messages”.

Since 2017, RSF reports, the Cyberspace Administration of China has banned journalists from citing information from social networks if it has not been “confirmed” by the authorities. “Chinese journalists are also forbidden from keeping a blog or personal web page, or cooperate freely with foreign media outlets.”

The largest dimension of the Chinese Communist Party regime’s censorship online is what has become known as the “Great Firewall”. According to RSF’s submission to the Commission, the “Great Firewall” prevents China’s 772 million internet users from accessing foreign news websites and is believed to employ at least two million people – which, RSF claims, is “a censor for every 386 persons”. Since 2019, anonymous comments on the internet have been banned, according to RSF. “Ordinary citizens have been given jail sentences for comments posted on forums or on messaging services,” RSF claims.

Furthermore, China has suppressed foreign VPN services, which can be used to circumvent the Great Firewall, according to RSF. Safeguard Defenders confirms this, reporting that some activists have been jailed for selling VPNs, and several editors of human rights websites and smaller social media groups were jailed for their online activities. In July 2019 Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years for “intentionally leaking state secrets”. A new law on encryption, effective from 1 January 2020 according to CHRD in their submission to the Commission, requires encryption technology “relevant to national security” to be inspected before being released.

According to Human Rights Watch in its submission to the Conservative Party Human Rights Commission, in November 2018 the Chinese authorities started a “national crackdown on users of Twitter” in China, although the social media platform was already blocked. “Authorities detained or summoned hundreds of Twitter users, forcing them to delete ‘sensitive’ tweets or close their accounts,” Human Rights Watch reports. “Meanwhile, the government launched a disinformation

campaign on Twitter and Facebook that frames Hong Kong's protesters as violent and extreme, prompting the platforms to suspend hundreds of accounts originating in China."

In a written submission to the Conservative Party Human Rights Commission, Peter Humphrey, who spent two years in prison in China, confirms this, noting that since 2012 there has been "a dramatic rise in the abusive practice of staging forced and falsified televised confessions extracted from unconvicted prisoners under conditions of duress and torture". He told the Conservative Party Human Rights Commission:

"In August 2013, I became the first foreigner to be subjected to this abusive practice when I was paraded in prison garb and handcuffs on CCTV and CGTN inside a steel cage and was made to appear to be confessing to the crime of illegal acquisition of private information, which I had not committed. My wife, a China-born American citizen, was separately subjected to this abuse on the same day. The incident was staged to look like an interview by journalists. However, no journalist asked questions. Only our chief PSB (Public Security Bureau) interrogator, Inspector Ding Zhidong, asked questions. I did not confess to any crime. But he tried to dictate our responses, repeating the questions after telling us how he wanted us to answer. I was in a state of shock and had been drugged beforehand with a sedative that made me drowsy. My words are patently slurred. I struggled to navigate between saying something that would get me out of that cage and something that would not falsely self-incriminate me for crimes I had not committed. I punctuated everything I said with ifs and buts. I was never shown the footage nor was I asked for my consent that this footage be aired. It was more than a year later, after my release from China, that I saw what was broadcast. I was shocked to see how it had been edited and packaged by its creators (PSB, CCTV, CGTN) to incriminate me and my wife. My remarks had been heavily edited, cut and pasted, mis-dubbed between languages or narrated over to twist and distort, and untrue 'facts' had been added and inserted without my approval."

Mr Humphrey added: "I was placed into a metal chair with a locking bar over my lap, wearing handcuffs and the orange prison vest, inside the steel-barred cage. The vertical cage bars are visible behind me in some of the footage and photographs that were aired. The large number of PSB in the room is kept out of the footage."

One final aspect of freedom of expression that should be noted is the Chinese Communist Party's tightening of what Human Rights Watch calls its "ideological grip" over universities and schools. Xi Jinping has called for educators to fend off "false ideas and thoughts". Academics such as Professor Xu Zhangrun at Tsinghua University have been suspended and investigated for publishing essays critical of Xi Jinping and the regime.

Dr Tao Zhang, Senior Lecturer in International Media and Communications at Nottingham Trent University concurs, noting in her written submission to the Commission that according to Freedom House, "efforts to police classroom discussions have increased at all levels of education, including via the installation of surveillance cameras in some classrooms, large-scale recruitment of student informants, and the creation of special departments to supervise the political thinking of teaching staff". She notes that Freedom House observes: "It is also worrying to see the return of Mao's style of political indoctrination and the cult of personality in universities. The study of 'Xi Jinping Thought' has now become a required component of the curriculum at all levels of education. Professors and students from a range of academic disciplines faced reprisals ... ranging from censored writings, travel restrictions, and demotions to arrest and imprisonment – for expressing views that were deemed critical of the CCP's governance and of Xi Jinping's slogans, whether in class, in academic writings, online or in interviews with overseas media." This has implications for British universities in regard to their relationships with China, as Dr Zhang details in her submission. She concludes that in every sphere, "freedom of expression in China has radically deteriorated since 2016."

Violations during the COVID-19 pandemic

“Human rights violations surged in China since the Chinese government began implementing draconian measures in response to COVID-19”
– Chinese Human Rights Defenders (CHRD)



Summary

- The Chinese Communist Party regime's silencing of 'whistleblowers', especially doctors and citizen journalists, at the outbreak of the COVID-19 pandemic resulted in serious human rights violations and the spread of the virus
- The CCP's handling of COVID-19 illustrates its repressive and mendacious nature

This inquiry is focused on violations of human rights in China, not on the COVID-19 pandemic and its causes. Many other reports and studies have been published on the origins and factors behind the pandemic. Nevertheless, the Conservative Party Human Rights Commission cannot ignore entirely the context of coronavirus, and what has been revealed by the Chinese Communist Party (CCP) regime's handling of it, particularly as it relates to human rights.

The Conservative Party Human Rights Commission notes the analysis presented in the Henry Jackson Society's report *Coronavirus Compensation? Assessing China's Potential Culpability and Avenues of Legal Response*, published in April 2020, which concludes that the Chinese government "failed in its obligations" under the International Health Regulations (2005) to report "timely, accurate and detailed public health information" and, furthermore, that this may have been "a deliberate act of mendacity". The Commission also notes the Henry Jackson Society's comments that "as a direct consequence of the CCP's decision not to share information about the initial stages of the outbreak of COVID-19, the disease spread far faster than it would otherwise have done and reactions by countries globally were hampered."⁴

A study by the University of Southampton confirms this, arguing that if information had been shared and interventions made "one week, two weeks or three weeks earlier, cases could have been reduced by 66 percent, 86 percent and 95 percent respectively."

As the Henry Jackson Society report notes, "time and again throughout the early stages of the initial outbreak, Chinese authorities lied about the situation. They cracked down on doctors discussing the virus, and some were detained by the police."

Dr Eva Pils, Professor of Law at the Dickson Poon School of Law at King's College London, adds in her submission to the Conservative Party Human Rights Commission that "China's response to the Covid crisis has shone a light on its longstanding human rights issues. This, in turn, is important for its interaction with communities at its periphery and the world ... The Chinese government has not only waged what it called a 'People's War' on Coronavirus, but also gone after internal whistle-blowers and critics of its response, thereby obscuring potentially widespread further human rights violations ... Additionally, China has used Covid for expanding its use of 'unchecked' digital and in person surveillance, cooperating with firms and services like Alibaba/Alipay and Tencent and presenting systems as a global model. Together, suppression, censorship and surveillance seem to have been used quite effectively to ensure a lack of legal or political accountability."

The Rights Practice confirms this in its submission to the Conservative Party Human Rights Commission: "The coronavirus pandemic has illustrated the impact of China's restrictions on freedom of expression, including the flow of information. The majority of China's human rights defenders and social activists are punished for attempting to share information that is deemed politically sensitive. The sad story of Dr Li Wenliang in Wuhan is well known".

On 30 December 2019 Dr Li Wenliang, an ophthalmologist in Wuhan, sent a message to fellow doctors warning about a possible outbreak of an illness that resembled severe acute respiratory syndrome (SARS).

According to the medical journal *The Lancet*: “Meant to be a private message, he encouraged them to protect themselves from infection. Days later, he was summoned to the Public Security Bureau in Wuhan and made to sign a statement in which he was accused of making false statements that disturbed the public order.”⁵

According to Chinese media, Dr Li was one of eight people detained in Wuhan for “spreading rumours”. *The Lancet* reports: “In a video, he said he was asked to sign a statement agreeing to stop illegal activities or face legal punishment. Nevertheless, Li decided to speak out about his experience because ‘I think a healthy society should not have just one voice’, as he told *Caixin*.”⁶

Tragically, Dr Li himself contracted COVID-19 from patients and died on 7 February 2020.

In late December 2019, Dr Ai Fen, director of the Emergency Department at the Central Hospital of Wuhan, also disseminated information about COVID-19 to several doctors. She detailed the efforts made to silence her in an interview titled “The one who supplied the whistle,” published in China’s ‘People’ (*Renwu*) magazine. She claimed she received a message from her hospital ordering her not to share information about the virus, and then she was summoned by the head of the hospital’s disciplinary inspection committee and reprimanded for “spreading rumours” and “harming stability”. “If I had known what was to happen, I would not have cared about the reprimand. I would have ... talked about it to whoever, where ever I could,” she said in the interview. Her interview was subsequently removed from the magazine’s website and Dr Ai disappeared.⁷

Citizen journalist Chen Qiushi started reporting from the streets and hospitals of Wuhan on 23 January, but disappeared in February. His whereabouts are unknown, though it is believed he may be in detention. Several other citizen journalists reporting on the virus outbreak in Wuhan were also arrested by the authorities, including Li Zehua and Fang Bin, and have not been heard of since February.

On 23 February 2020, Ren Zhiqiang, a former property tycoon, senior executive at the state-controlled Huayuan Real Estate Group and Chinese Communist Party member, wrote in an essay, referring to Xi Jinping, that he “saw not an emperor standing there exhibiting his ‘new clothes’ but a clown stripped naked who insisted he continue being emperor”. He spoke of a “crisis of governance” and argued that restrictions on freedom of expression had made the pandemic worse.⁸ He too disappeared for several months, and was then sentenced to 18 years in prison on corruption charges.⁹

These individual cases are, from the evidence received by the Conservative Party Human Rights Commission, just tip of the iceberg. As Chinese Human Rights Defenders (CHRD) put it in their submission to the Commission, “human rights violations surged in China since the Chinese government began implementing draconian measures in response to COVID-19. These include deleting critical information online, censoring the media, punishing whistleblowing doctors, detaining and disappearing independent journalists and government critics, and kicking out foreign reporters.” Furthermore, CHRD note, “China’s invasive digital surveillance system has been deployed by police to silence netizens and reinforce information controls. On social media sites, netizens reported being visited, detained or penalised by police for ‘spreading rumours’ after they posted comments on the outbreak, and in some cases, for volunteering in distributing face masks and other supplies.”

On 21 February 2020, according to CHRD, the Ministry of Public Health announced 5,111 cases involving “fabricating and deliberately disseminating false and harmful information” – in other words, once again silencing critical voices and hindering the flow of information which would be “vital for effective responses to a public health emergency of such magnitude.”

In addition to the suppression of information and the arrest and disappearance of whistleblowers and critics of the government, the use of surveillance technology, ostensibly to monitor the spread of the coronavirus, carries with it human rights concerns. As The Rights Practice notes in its submission to the Commission, “the Health App introduced in many cities in China is largely welcomed by citizens as it allows most persons to access public transport, places of work and restaurants,” but “it will be important to monitor whether such intrusive types of surveillance end once there is no longer a significant health risk”. In terms of the UK’s engagement with the Chinese digital technology sector, The Rights Practice argues, the British government “must ensure that the country’s tech sector, including university departments, is fully cognisant of the human rights (and security) risks from cooperation with a surveillance state. Mandatory human rights due diligence would be one step to mitigate these risks.” The question of the surveillance state will be examined further in a later chapter.

Although the COVID-19 pandemic is primarily a public health emergency which has affected the lives and livelihoods of millions in China and around the world, it cannot be separated from the human rights crisis in China. As Doctors Against Forced Organ Harvesting conclude in their submission to the Commission, the COVID-19 pandemic has shone a light on the CCP and exposed the nature of its being, for the world to see ... The CCP’s actions have directly contributed to the spread and severity of the virus and as such, the responsibility for the COVID-19 outbreak lies firmly with the decisions made by Chinese officials during and since the initial stages of the catastrophe.”

Former Canadian justice minister and attorney general Irwin Cotler and Judith Abitan, executive director of the Raoul Wallenberg Centre for Human Rights, reach the same conclusion, writing in *The Times of Israel*: “For 40 days, President Xi Jinping’s [CCP] concealed, destroyed, falsified, and fabricated information about the rampant spread of COVID-19 through its state-sanctioned massive surveillance and suppression of data; its misrepresentation of information; its silencing and criminalising of dissent; and its disappearance of its whistleblowers.”¹⁰

⁴ The Henry Jackson Society, “Coronavirus Compensation? Assessing China’s Potential Culpability and Avenues of Legal Response,” April 2020 - <https://henryjacksonsociety.org/publications/coronaviruscompensation/>

⁵ The Lancet, “Li Wenling – Obituary,” by Andrew Green, 18 February 2020 - [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30382-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30382-2/fulltext)

⁶ Ibid.,

⁷ The Guardian, “Coronavirus: Wuhan doctor speaks out against authorities,” by Lily Kuo, 11 March 2020 - <https://www.theguardian.com/world/2020/mar/11/coronavirus-wuhan-doctor-ai-fen-speaks-out-against-authorities>

⁸ The Guardian, “Chinese executive who called Xi a ‘clown’ over coronavirus response ‘is missing’,” 15 March 2020 - <https://www.theguardian.com/world/2020/mar/15/chinese-executive-who-called-xi-a-clown-over-coronavirus-response-is-missing>

⁹ The Guardian, “Ren Zhiqiang – who called Chinese president a ‘clown’ – jailed for 18 years,” 22 September 2020 - <https://www.theguardian.com/world/2020/sep/22/ren-zhiqiang-who-called-chinese-president-a-clown-jailed-for-18-years>

¹⁰ Irwin Cotler and Judith Abitan, “Xi Jinping’s China did this,” 12 April 2020, *The Times of Israel* - <https://www.timesofisrael.com/criminality-and-corruption-reign-in-xi-pings-china/>

Freedom of religion or belief

“All religions are persecuted in China” – Bitter Winter



Summary

- Freedom of religion or belief in China is under the most severe crackdown since the Cultural Revolution
- The crackdown is across the board, affecting Uyghurs and other Muslims, Christians, Buddhists, Falun Gong practitioners and others

Within the context of an overall further dramatic decline in the human rights situation since our last inquiry in 2016, violations of the right to freedom of religion or belief have become even more egregious, widespread and systematic throughout China, according to evidence received by the Conservative Party Human Rights Commission.

For every major religious community in China today – Christians, both Protestant and Catholic, Muslims, Buddhists, practitioners of Falun Gong, an ancient Chinese spiritual discipline in the Buddhist tradition, and others – the situation has become more restricted. The most egregious violations of freedom of religion or belief affect the Uyghurs and other Muslim-majority groups in the Xinjiang Uyghur Autonomous Region (XUAR) and Buddhists in Tibet, but the violations against Christians have intensified and the persecution of Falun Gong practitioners and others continues. The level of freedom of religion or belief in China is, according to CSW in its submission to the inquiry, “rapidly and significantly deteriorating” and although there may be some variations depending on specific factors, “the overall picture for religious life from the period from 2016 to the present has overwhelmingly been one of an increase in government pressure, restrictions and intimidation, and a decrease in freedom”.

China Aid Association agrees with this conclusion, stating in its submission to the Conservative Party Human Rights Commission that “as the decade drew to a close, China intensified its persecution of religious practitioners”.

One of the most striking developments is the significant increase in the involvement of the central government in religious affairs. Whereas in the past the implementation of policies towards religion varied quite significantly from province to province, depending on the attitudes of local authorities, today, according to CSW’s submission to the Conservative Party Human Rights Commission, “under Xi Jinping, there has been a new focus on religion at the highest levels of government”.

This has included the revision of the Regulations on Religious Affairs and, CSW notes, “fresh emphasis placed on the requirement that all religious communities in China ‘sinicise’ by becoming ‘Chinese in orientation’ and adapting to ‘socialist society’”.

CSW sources believe that “the intent behind ‘sinicisation’ is to eradicate independent religion and bring all religious activities under state control”. China Aid Association concurs, noting that the Chinese Communist Party “intends to bring Christianity under the full control of the government.”

The implementation of this strategy from the central government varies for different groups and in different places, according to CSW’s submission to the Commission, but it includes “tangible signs, such as the demolition of temples, mosques and churches by authorities, and the removal of religious symbols and pictures from homes and places of worship,” as well as less visible signs including the removal of clergy from positions and their replacement with clergy who have government approval. Other indicators, CSW notes, include “pressure on schools to check up on the religious beliefs of their students and staff; and surveillance cameras installed in and around places of worship.” Religious adherents have also been “arrested, imprisoned, tortured and even killed in connection with their religion or belief”.

On 1 February 2018 the revised Regulations on Religious Affairs, first introduced by China’s State Council in 2005, came into effect. These regulations, according to CSW, “strengthen state control over religious activities in China”, closing down the “grey area” in which unregistered churches had until then been tolerated by some local authorities. “Unregistered ‘house’ churches and other independent religious groups are under increasing pressure to either register or disband,” CSW notes. China Aid Association observes in its submission that “non-government churches, called ‘house churches’, have been outlawed completely. Many of them are ordered to join the official church system and submit to government censorship.”

Often, authorities inform these church leaders that their congregations are ‘illegal’ and accuse the Christians who attend these churches of various crimes.”

China Aid Association reports in its submission to the Commission that whereas in 2017 it documented 1,265 cases of “persecution” of Christians, in 2018 it documented 10,000 cases. Similarly, in 2017 it reported 3,700 Christians detained, of whom 650 were church leaders, while in 2018 it reported 5,000 Christians detained, of whom 1,000 were church leaders. “More than 1,000,000 people were persecuted in 2018, which is three-and-a-half times more than those recorded in 2017,” China Aid Association claims in its submission. “More than 500 people were sentenced to prison terms, an increase of 44 percent from 2017.” These figures relate only to Christians.

“Both registered and unregistered Protestant churches and pastors have been individually and collectively penalised for peaceful religious activities,” CSW notes in its submission to the Commission. “Registered churches under the Three-Self Patriotic Movement have been forced to sing national and pro-Communist songs during services, to fly the national flag and remove religious images. Across the country churches have had their crosses removed, and many report that under-18s are now banned from attending religious activities. Meanwhile unregistered churches have been forcibly closed, their premises and property confiscated and their leaders sometimes detained or even sentenced to prison terms.”

Particular cases of concern detailed in CSW’s submission include the crackdown on Living Stone Church in Guiyang, Guizhou province and Early Rain Church in Chengdu, Sichuan province. On 6 January 2017 Pastor Yang Hua of Living Stone Church was sentenced to two and a half years in prison. In December 2018, the authorities arrested over 100 members of Early Rain Church, and accused Pastor Wang Yi and his wife Jiang Rong of “inciting subversion”.

Pastor Wang was tried in secret on 26 December 2019 and sentenced to nine years in prison. According to China Aid Association, on 24 February 2019 at least 44 Early Rain Church members were arrested at two worship venues.

China Aid Association also highlights the imprisonment of Pastor John Cao, a missionary working in Myanmar’s Wa State, arrested by Yunnan province authorities for “organising illegal border crossings” in 2017. Pastor Cao was sentenced to seven years in prison in March 2018.

Catholics in China also continue to face severe violations of freedom of religion or belief, despite the establishment of an agreement in September 2018 between the Vatican and China regarding the appointment of bishops.

According to CSW’s submission to the Commission, the details of this agreement have never been made public, but “so far the agreement has not resulted in greater religious freedom”. Indeed, CSW notes, “since the agreement, there have been several developments concerning individual clergy, including incidents of detention, house arrest and disappearance”. A number of Catholic clergy imprisoned before the Vatican’s agreement with China remain in detention, according to CSW, including Bishop James Su Zhimin, who was detained on 8 October 1997 in Hebei. In 2019 his family reported that his whereabouts were unknown, CSW notes.

Tibetan Buddhists’ religious practice is “tightly controlled”, according to CSW, and there are “ongoing reports of religious services being disrupted, religious institutions intrusively monitored, religious sites closed, property confiscated, as well as cases of arbitrary detention and restrictions on religious teaching and training”. Further information is detailed in the section on Tibet.

In July 2016 a ‘renovation’ campaign by the authorities resulted in the demolition of hundreds of homes at Larung Gar Buddhist Institute in Sertar, Sichuan province, one of the largest Buddhist teaching centres in the world, with a population of over 10,000, according to CSW’s submission.

Falun Gong, an ancient Chinese spiritual discipline in the Buddhist tradition, was banned in 1999 and has faced severe persecution ever since. Classified as ‘xie jiao’ (translated as ‘evil cult’ or ‘heterodox teaching’) by the Chinese Communist Party regime, it has been subjected to especially harsh repression, as detailed in the Conservative Party Human Rights Commission’s report. According to CSW’s submission, “adherents outside China continue to report the torture in custody of Falun Gong practitioners across the country”. Furthermore, according to CSW, “it is widely reported by lawyers and Falun Gong organisations that a task force, the 610 Office, was established specifically to eradicate Falun Gong.”

The Falun Dafa Association UK confirms this, noting in its submission that: “Although the exact number of Falun Gong practitioners that have disappeared during the persecution is not easily determined, it is believed to be in the tens of thousands. It is feared that many of these missing practitioners met horrible deaths as victim of state-run organ harvesting.”

The Falun Dafa Association UK reports in its submission to the Commission that among 747 practitioners targeted by the authorities in March 2020, 313 of them had their homes ransacked by the police and 30 of them had cash confiscated, totalling 172,800 yuan (£19,500).

The Church of Almighty God (CAG), which is a new religious movement established in 1991, also claims in its written submission to the Commission that it is “subjected to brutal suppression and persecution”. Categorised by the Chinese Communist Party as “xie jiao”, it reports that “at least 400,000” of its members have been arrested since 2011 alone and claims that 159 of its members “have been persecuted to death since the church’s establishment, among whom may died from torture, and some had their organs harvested”.

Between 2016 and 2020, the Church of Almighty God states in its submission, “the CCP government continues intensifying its persecution”, including with an order by the President of the Supreme Court, Zhou Qiang, on 14 January 2017 for punishment of the Church of Almighty God to be increased. “In early 2018, the CCP government issued red-headed official documents on suppression and elimination of the CAG in all provinces ... In 2019, the CCP government issued the ‘No. 1 Central Committee Document’ demanding ongoing severe crackdowns on the CAG and other house churches.”

Without doubt the plight of the Uyghurs, which will be examined in depth in a separate chapter, is the most egregious set of violations of human rights in China today, and encompasses an almost total denial of every basic human right, including freedom of religion or belief. As CSW puts it in their submission, “the government’s actions in Xinjiang are an attack on Uyghur identity, culture and religion. They are breaking up families, and leaving children and elderly people alone and vulnerable. The devastating and long-term impact of these actions cannot be overstated.”

CSW highlights in its submission the destruction of “thousands of mosques”, and the fact that “even small-scale, peaceful everyday religious activities and expressions of religious identity are viewed as suspicious by the authorities Uyghurs are not allowed to practise their religion, play traditional instruments or use their language freely.”

In regard to those detained in the prison camps, CSW notes that “although not all detainees are Muslim, and ethnicity appears to be the most significant factor linking the detentions, nevertheless there is a significant religious element as well. Not only have some individuals been detained in connection with their peaceful religious activities, but witnesses also report that inside the camps detainees are required to renounce Islam and promise not to follow religion. Detainees have been forced to eat pork or drink alcohol, against their religious beliefs.”

The World Uyghur Congress confirms this, stating in their submission to the Commission that since the revised Regulations on Religious Affairs, passed in June 2017 and effective from 1 February 2018, there has been “a much greater focus on the role of religious practice” and more severe restrictions.

The Uyghur Human Rights Project note in their submission that there is “a sharply aggressive approach on the ground towards China’s Muslim populations” which has led to particular violations of freedom of religion or belief. “Wearing clothing with face coverings, growing ‘irregular beards’, bearing symbols of ‘extremification’, publishing or possessing information with ‘extremist content’ and giving children ‘Islamic’ names” are now, according to the Uyghur Human Rights Project, regarded by the authorities as signs of ‘extremification’. Furthermore, various other religious practices have been prohibited or restricted, including “requirements that all Hajj be organised by the state; a requirement that the use of ‘halal’ be restricted to only certain food products; the prohibition on the creation, possession, consumption and dissemination of media that may be broadly defined by the state as promoting extremism; a ban on religion at all levels of education; and a ban on children participating in religious activities,” the Uyghur Human Rights Project states. “The destruction of a significant number of physical places of worship and symbols of Islam such as mosques and shrines has also been reported,” the Uyghur Human Rights Project adds.

Dr Joanne Smith Finley, Reader in Chinese Studies at Newcastle University, also provides examples of violations of freedom of religion or belief in her written submission to the Commission. On a visit to Xinjiang in 2018, Dr Smith Finley recounts, mosques were empty and “each mosque complex heavily securitised with high metal fences covered in coiled razor wire, padlocked gates, PRC flag and entry permitted only via securitised data gates (facial recognition) which no one seemed to want to use.” One Uyghur told her: “We want to go in the mosque ... but if we do they will take us to prison ... you know they check our identity cards.”

In Kashgar, according to Dr Smith Finley, by 2018 “mosques were completely out of service, and many were desecrated to greater or lesser degrees ... Some had their crescent removed from the dome ... All were covered in propaganda on the outside walls about ‘de-extremification’, ‘ethnic unity work’, ‘illegal religious activities’ etc ... Tellingly, ‘Love the Party, Love the Country!’ banners had now replaced the earlier ‘Love the Country, Love Religion’ ... banners.” In her submission, Dr Smith Finley cites a colleague who was told by a Kazakh in 2018: “My father used to pray at home in secret, but now he is so scared of the consequences, he has stopped praying altogether.” Another man admitted praying in secret at home, but a third couple said they were “not allowed to talk about things like that [praying]”.

In its written submission to the Commission, the publication *Bitter Winter*, which reports on freedom of religion or belief in China, notes that “Chinese authorities issued in 2018 and 2019 specific regulations instructing the police to arrest anyone sending articles, images, and videos to *Bitter Winter*. From August to December 2018, 45 *Bitter Winter*’s contributors were arrested in China.”

In conclusion, as *Bitter Winter* notes in its submission to the Commission, “all religions are persecuted in China”. CSW agrees, stating in its submission to the Commission, “freedom of religion or belief in China is in rapid decline: almost daily new details emerge about the use of technology surveillance and profiling of Uyghurs, alongside news of another church closure, or another anti-xie-jiao campaign. Now more than ever, it is vitally important for the international community to call for freedom of religion or belief in China, and to stand with and support Chinese civil society, the real hope for change.”



Human rights defenders and the legal system: arbitrary arrests, enforced disappearances and forced confessions

“For the lawyers themselves, overall pressure is increasing, forcing some to scale back their work on ‘sensitive’ cases or leave the profession entirely ... The situation looks bleak”

– CSW



Summary

- The Chinese legal system is based on “rule by law” not “rule of law”
- Arbitrary arrests and disappearances are commonplace – the UN Working Group on Arbitrary Detention issued ten opinions from 2017-2019 declaring that 20 human rights defenders had been arbitrarily detained, and in its 27-year history it had adopted 89 opinions on China, 82 of which found the deprivation of liberty to be arbitrary;
- The three systems of detention under Chinese law – “administrative detention”, “re-education” and “residential surveillance in a designated location” (RSDL) – result in systematic human rights violations
- The Conservative Party Human Rights Commission is especially concerned about the cases of Gao Zhisheng, Li Yuhan, Michael Kovrig, Michael Spavor, Lee Ming-che and Gui Minhai (pictured above) and urges the international community to pressure the Chinese authorities for their release and the release of all prisoners of conscience and political prisoners

“The threat that you may be arbitrarily deprived of your liberty and face ill treatment in detention sustains the fear that prevents many people in China from speaking out,”

The Rights Practice told the Conservative Party Human Rights Commission in its submission. “Decades of internalising worries about what the police can do to you or your family result in a grudging tolerance of the status quo.”

Those words encapsulate the variety of concerns about China’s legal system today – a system undoubtedly based on the principle of “rule by law” rather than “rule of law”, in which arbitrary arrests, disappearances, and forced confessions are widespread, there is no concept of fair trial or judicial independence, and lawyers themselves are coming under increasing pressure.

In 2015, the Chinese government launched a severe crackdown on human rights lawyers, which is detailed in the Conservative Party Human Rights Commission’s previous report, *The Darkest Moment: The Crackdown on Human Rights in China 2013-2016*.¹¹ According to CSW in its submission to this present inquiry, the impact of that 2015 crackdown, known as the “709” crackdown, “casts a dark shadow over the legal rights defence community which has yet to dissipate”.

Those words encapsulate the variety of concerns about China’s legal system today – a system undoubtedly based on the principle of “rule by law” rather than “rule of law”, in which arbitrary arrests, disappearances, and forced confessions are widespread, there is no concept of fair trial or judicial independence, and lawyers themselves are coming under increasing pressure.

On 5 April 2020, Wang Quanzhang, one of over 300 human rights lawyers and activists detained in 2015, was released and, according to CSW in its submission to the Commission, “immediately placed into quarantine for 14 days, hundreds of kilometres from his family”. He has subsequently been able to reunite with his wife and son in Beijing but remains, CSW reports, “under heavy surveillance”. During his imprisonment, Wang’s wife and six year-old son were “targeted”, according to CSW’s submission, with multiple police visits to his son’s school.

According to Safeguard Defenders in its submission to the Commission, “a large number of the lawyers initially affected by the crackdown ... many of whom were detained in 2015-2016 and many who went on to serve time in prison have since 2018 been disbarred by the Chinese Communist Party-controlled Bar Association, while others have been effectively disbarred because law firms that could potentially hire them ... had been threatened against doing so. Even within the rather small human rights defence lawyer community, some 32 lawyers lost their ability to practice between December 2017 and January 2019 alone.”

In December 2019, Safeguard Defenders notes, “another, smaller crackdown called ‘12-26’ was initiated, on December 26, to detain another large group of lawyers, many now facing long prison sentences”. This crackdown was in response to a meeting of lawyers in southern Fujian province.

“The effects have been chilling in removing a significant portion of lawyers otherwise able and willing to provide criminal representation to victims who are prosecuted for political reasons,” Safeguard Defenders notes in its submission. “For those that still have their license they are significantly less likely to offer their services for such representation, knowing it may make them lose their license – and with that also their, and many times their families’ main source of livelihood.”

CSW confirms this, noting that: “For the lawyers themselves, overall pressure is increasing, forcing some to scale back their work on ‘sensitive’ cases or leave the profession entirely. Five years on from the spate of detentions of human rights defenders in 2015, the situation looks bleak”.

Nevertheless, a statement by the China Human Rights Lawyers Group on the fourth anniversary of the 709 crackdown, provided to the Commission by CSW, offers some hope:

“In the past four years, although the relevant authorities have exhausted all means to discredit human rights lawyers or force detained human rights lawyers to confess guilt, unexpectedly, those human rights lawyers are receiving more and more respect and attention from the people. The deeds of lawyers such as Gao Zhisheng, Tang Jingling, Tang Jitian, Jiang Tianyong, Liu Wei, and others are inspiring one group of human rights lawyers after the next to continue to bravely advance in pursuit of our ideals...we are willing to work together with freedom loving people all over the world to hold fast to the values of democracy and the rule of law, and respect and defend human rights together.”¹²

Torture and other ill-treatment will be covered in more depth in the next chapter, but it is important to note that according to CHRD’s submission to the Commission, “the government’s ill-treatment of human rights defenders in custody may have directly contributed to the deaths of two prominent prisoners of conscience in 2017, including the Nobel Peace Prize Laureate Liu Xiaobo.”

CHRD reports in its submission that “at the close of 2019, there are 1,016 known cases of arbitrarily detained prisoners of conscience – individuals in police custody for defending or exercising human rights”. From 2017-2019, CHRD observes, the United Nations Working Group on Arbitrary Detention issued ten opinions that declared 20 human rights defenders had been arbitrarily detained in China. “The Working Group noted in May 2019 that in its 27-year history, it had adopted 89 opinions in relation to China; 82 of the cases found the deprivation of liberty to be arbitrary”, CHRD notes. “The Working Group further noted ‘that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rule of international law may constitute crimes against humanity’”

The prominent human rights lawyer Gao Zhisheng, for example, has been missing since August 2017, according to CHRD, “after being held in secret detention and tortured many times in the past”.

In October 2017, according to CHRD, the human rights lawyer Li Yuhan was seized by Beijing police and formally arrested the following month. “She is still detained without trial as of the time of this submission,” CHRD reports.

The high-profile imprisonment of several foreigners in China is concerning, particularly the case of the two Canadians, Michael Kovrig and Michael Spavor, detained since 2018. The Conservative Party Human Rights Commission welcomes the Foreign Secretary Dominic Raab’s expression of solidarity with Canada,¹³ following China’s decision to charge Mr Kovrig and Mr Spavor with espionage.¹⁴

The continued imprisonment of Taiwanese activist Lee Ming-che (Li Ming-che), jailed since 2017, is also of concern. The Conservative Party Human Rights Commission has met with Mr Lee’s wife, Lee Ching-yu (Li Ching-yu) on several occasions in London and Taipei and on 31 March 2019 the Commission’s deputy chair wrote an op-ed about the case in *The Wall Street Journal*.¹⁵ The Commission will continue to highlight his case and call for his release.

The abduction of Hong Kong bookseller, Chinese-born Swedish national Gui Minhai from his holiday apartment in Thailand in October 2015 has been of particular concern to the Conservative Party Human Rights Commission, particularly since his daughter Angela Gui spoke at the launch of the Commission’s previous report in Parliament in June 2016. The Commission has continued to engage closely with Angela Gui on her father’s case, and we were deeply concerned to learn that on 25 February 2020 Gui Minhai was sentenced to ten years in prison in China for “illegally providing intelligence overseas”. The Commission continues to call for his immediate release, especially on the grounds that he is a citizen of a foreign country

abducted from a third country. On 25 February the Conservative Party Human Rights Commission's deputy chair gave an interview on BBC World Television on the case, and on 4 March he authored an op-ed in *The Wall Street Journal* describing Mr Gui's sentencing as a threat to the international rules-based order.¹⁶

The Chinese state's use of detention, according to The Rights Practice in its submission to the Conservative Party Human Rights Commission, "departs significantly from international norms: the extensive use of administrative measures, frequent resort to incommunicado detention including denying access to lawyers, and lack of transparency."

Under "administrative detention", The Rights Practice notes, "the state can deprive persons of their liberty without any form of judicial oversight. Aside from fifteen-day administrative detention for minor infractions, the police also use what is known generically as 're-education' but has many different names depending on the specific purpose for which it is being deployed."

"Re-education" is often used against people for their religion or belief, ethnicity, political views or social status, according to The Rights Practice, and "can often amount to psychological torture or cruel, inhuman or degrading treatment". The Rights Practice advocates for increased international pressure on China "to end all forms of re-education style detention".

A third form of detention in China's criminal procedure law is known as "residential surveillance in a designated location" (RSDL), which The Rights Practice claims in its submission to the Commission "allows the police to detain suspects for up to six months in a location that is explicitly not a registered pre-trial detention facility". Under the regulations the police, according to The Rights Practice, are allowed "to deny access by defence lawyers and no independent monitoring of these facilities is possible, leaving detainees open to abuse and the risk of torture ... It is clearly intended to coerce detainees into confessing and providing information".

Safeguard Defenders, in its submission to the Commission, confirms this analysis of RSDL and notes that "informal facilities are used – some custom-built prisons, some converted rooms in police, party or state-run hotels, guesthouses etc".

The detainee is held in solitary confinement which, Safeguard Defenders notes, "in itself, if done for a prolonged period during investigation, is classified as both torture (article 1) and maltreatment (article 16) of the Convention Against Torture, which China has both signed and ratified."

According to Safeguard Defenders, based on official data, 17 or 18 people are taken into the RSDL system "every single day" in 2020. From 2013-2019, an "estimated 27,185 people" have been taken into RSDL. "Interviews with 48 victims showed that not a single one had been allowed access to legal counsel, and not a single one had ever had any visits from the prosecutor's office," Safeguard Defenders told the Commission in its submission.

In March 2018 China's National People's Congress approved yet another new measure which, according to CHRD, "further legalised forced disappearance" – the establishment of a National Supervisory Commission. This new body, which Safeguard Defenders describes as "a massive revision in law and practice", is "a form of non-judicial police directed by the CCP to handle investigations into malpractice, bribery and economic crimes by state functionaries, party members or those in state-owned enterprises". It has, Safeguard Defenders claims, "taken over a significant role from police and prosecutor" and led to the launch of 1,667,000 investigations in 2018 alone.

As part of these investigations, according to Safeguard Defenders, “retention in custody” (*liuzhi*) can be employed. “Like RSDL, it takes place outside the judicial system, in make-shift rooms or custom-built facilities, and people are kept incommunicado, [with] no right to a lawyer at all ... and their location is kept secret. For RSDL, most cases are enforced or involuntary disappearances. For *liuzhi*, they all are.” Safeguard Defenders estimates that between 12,351 to 17,057 people disappear into this system every year and argues in its submission that “the legal system has also been severely weakened by the establishment of the National Supervision Commission”.

With regard to charges against human rights defenders and activists, according to CHRD the crimes of “endangering state security”, “inciting subversion against state power” and “subversion” are the most commonly used.

In January 2019, lawyer Wang Quanzhang was convicted of “subversion” after already spending almost three and a half years in incommunicado detention, according to CHRD in their submission. In the same month, CHRD report, Liu Feiyue, who ran a website Civil Rights and Livelihood Watch, was sentenced to five years imprisonment for “inciting subversion”.

In April 2019, activist Chen Bing was sentenced to three-and-a-half years for commemorating the 1989 Tiananmen Massacre, according to Human Rights Watch in its submission to the Commission.

In July 2019, Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years in prison for “leaking state secrets”, Human Rights Watch reports. He had already been detained since November 2016 and has been denied adequate medical treatment for several serious health conditions from which he suffers.

In July 2019, activist Qin Yongmin was sentenced to 13 years in prison for “subversion of state power,” and the verdict cited his writings and advocacy for democracy and human rights, CHRD note in their submission.

In July 2019, dissident Ji Sizun died in custody, according to Human Rights Watch in its submission. “He had been reportedly ill-treated while serving a four-and-a-half year sentence on fabricated charges of ‘gathering a crowd to disrupt public order’ and ‘picking quarrels,’” Human Rights Watch reports. “Consistent with a number of other cases in recent years of prominent human rights defenders dying in or soon after release from detention, authorities have not held anyone accountable for wrongdoing.”

In October 2019, journalist Sophia Huang Xueqin was detained in Guangzhou, for writing about China’s #MeToo movement and the protests in Hong Kong, according to Human Rights Watch in its submission. In December 2019, pastor Wang Yi was convicted of “inciting subversion” and sentenced to nine years in prison.

Several human rights defenders have been subjected to enforced disappearance under RSDL, according to CHRD, including lawyer Yu Wenshang and activist Zhen Jianghua in 2018. CHRD note in their submission that 17 cases of individuals disappeared into RSDL were documented by the end of 2019.

¹¹ Available on the Conservative Party Human Rights Commission’s website: https://conservativepartyhumanrightscormission.co.uk/wp-content/uploads/2020/03/CPHRC_China_Human_Rights_Report_Final.pdf

¹² China Change, ‘Statement by the China Human Rights Lawyers Group on the Fourth Anniversary of the ‘709 Incident’ <https://chinachange.org/2019/07/08/statement-by-the-china-human-rights-lawyers-group-on-the-fourth-anniversary-of-the-709-incident/>

The Rights Practice highlights in its submission the case of Cheng Yuan, Liu Dazhi and Wu Gejianxiong, known as “The Changsha Three”, who were detained on 22 July 2019 and have been held in incommunicado detention, denied access to their own lawyers and subjected to “a secret criminal process”, while their families have been harassed. The detainees are civil society activists working for Changsha Funeng, an organisation founded to defend the rights of disadvantaged persons, including the right to health and non-discrimination. The Rights Practice makes the point that “not all human rights defenders in China enjoy the same public profile as many of the lawyers” but should also receive advocacy and attention.

Safeguard Defenders notes in its submission to the Commission that in Chinese People’s Courts – the courts of first instance – the “conviction rate at criminal trials stands at 99.947%”. However, the data on which this figure is based “does not include data on ‘secret trials’, meaning this is the lowest possible conviction rate,” Safeguard Defenders claims. “It represents a marked increase from an already incredibly high level, compared with the previous administration under Hu Jintao when the rate lowered somewhat.”

As Safeguard Defenders concludes in its submission, “the astounding conviction rate entirely undermines the notion of any fair trial, even if the court system were not controlled by a political party, which it is. With such a high rate, and public knowledge about it, and the fact that defence counsels play a very limited role before and during trial, it means that after formal arrest, conviction is nearly guaranteed. The consequence of this is that all, including almost all human rights defenders, will confess, because choosing to confess or not is the victim’s only real way to affect the sentencing after being found guilty. To confess

merely means a lighter sentence Nearly all convictions are based on confessions, and technical, forensic and other forms of evidence is very rarely used.”

An investigation carried out in six pre-trial detention centres in 2018 and “further evaluated by 174 lawyers in 21 trainings” across 13 provinces shows, according to Safeguard Defenders in its submission, “a growing systematization of detention centres denying lawyers access to their clients in pre-trial detention centres, using a combination of outright illegal means and procedural methods to slow down or prohibit such meetings”. When meetings between detainees and lawyers are permitted, according to Safeguard Defenders, there is “intentional sabotaging of meeting facilities, supervision and lack of privacy, threatening behaviour and more has been employed at many facilities, further diminishing ability for these lawyers to fulfil their duties to their clients. Taken together it represents a significant threat to due process within an already overly politicised legal system.”

The evidence received by the Conservative Party Human Rights Commission in this inquiry, summarised here and available in full in all the written submissions, shows beyond doubt that the legal system in China is one without due process, any judicial independence, little right to legal representation for the accused, and with systematic and frequent arbitrary arrests, enforced or involuntary disappearances, and widespread coercion and mistreatment on a very severe scale. It is not a rule of law system under any interpretation, but rather a ‘rule by law’ system in which the Chinese Communist Party regime decides the law, influences the law and interprets the law in whatever ways it chooses.

¹⁴ The Guardian, “China charges two detained Canadians with espionage,” by Lily Kuo, 19 June 2020 - <https://www.theguardian.com/world/2020/jun/19/china-charges-two-detained-canadians-spavor-kovrig-with-alleged-espionage>

¹⁵ The Wall Street Journal, “Beijing’s Chilling Imprisonment of a Taiwanese Critic,” by Benedict Rogers, 31 March 2019 - <https://www.wsj.com/articles/beijings-chilling-imprisonment-of-a-taiwanese-critic-11554057567>

¹⁶ The Wall Street Journal, “China Imprisons a Swedish Bookseller,” by Benedict Rogers, 4 March 2020 - <https://www.wsj.com/articles/china-imprisons-a-swedish-bookseller-11583367426>

Torture

"During the interrogation, I was in a cell sitting on a steel 'tiger chair'. I had been buckled up on the chair and could not move I was hung (handcuffed and shackled) on a steep X-Cross doing a spread-eagled pose for hours after hours ... It was extremely painful They beat me ... using something like sharpened batons ... I was blindfolded and hooded."

- Simon Cheng



Summary

- Torture is endemic, widespread, systematic and conducted with impunity
- China is in grave breach of the Convention Against Torture

The use of torture in China's detention systems continues to be pervasive, widespread, systematic and egregious. From the evidence received by the Conservative Party Human Rights Commission, it is beyond doubt that the authorities in China use torture – both physical and psychological – as a matter of course.

Safeguard Defenders, in its submission to the Commission, said that “the torture of detainees by Chinese police and state security remains endemic and goes virtually unchecked and unpunished because of China’s failure to make proper legal reforms – reforms that they are required to make because they ratified the UN Convention Against Torture”. A report in 2018 by Chinese lawyers, commissioned by Safeguard Defenders, found that “the key issues behind the legislative shortfall are that the definition of torture under law remains too narrow – for example, it only covers actions undertaken for the collection of evidence or obtaining confessions; psychological torture is not included, and physical evidence must be produced such as bruising or wounds – which is not always present. It also only applies to ‘judicial personnel’, excluding those managing the vast extra-legal detention system called *liuzhi*” (see previous chapter).

Two of the most recent and obvious cases of torture highlighted by Safeguard Defenders in its submission to the Commission are the cases of Wang Quanzhang, a human rights lawyer who disappeared for four years from 2015-2019, and former British Consulate-General employee Simon Cheng from Hong Kong, who himself gave evidence to our inquiry.

In June 2019 Wang Quanzhang’s wife saw her husband for the first time since he had disappeared. Safeguard Defenders highlighted her testimony of that first meeting, in which she said that her husband had “completely changed – he was thinner, had lost a tooth and he seemed to have lost his mind”. She wrote: “Quanzhang raised his head and looked me in the eye. His expression was still dull and wooden. He sat there and watched me cry as if I were a stranger and not the wife whom he hadn’t seen for four years”.

Simon Cheng testified in one of the Conservative Party Human Rights Commission’s oral hearings, and provided a detailed written submission as well. Born in Hong Kong, he worked as a local employee of the British Consulate-General in Hong Kong. On 8 August 2019, Mr Cheng was detained by the Chinese State Security Bureau at the Kowloon high-speed railway terminus in Hong Kong, as he returned to Hong Kong at the end of a business visit to mainland China. The details of his arrest on Hong Kong soil will be addressed in the chapter on Hong Kong, but his account of torture and ill-treatment during interrogation in detention in Shenzhen is highly relevant to this chapter and extremely disturbing.

“During the interrogation, I was in a cell sitting on a steel ‘tiger chair’. I had been buckled up on the chair and could not move,” Mr Cheng told the Conservative Party Human Rights Commission. “I was asked three types of question: 1) the UK role in the Hong Kong ‘riots’; 2) my role in the ‘riots’; and 3) my relations with mainlanders who joined the ‘riots’. Interrogators called me a ‘man in black’, which is a name usually used for the young protesters in Hong Kong. They criticised and lamented me working for the UK to attract investment leaving the country, while the world is now coming to China and kowtowing to China for better business opportunities. Interrogators said although my words and actions against the country and the party had been practiced in Hong Kong, I can be punished based on mainland law once in mainland China, as Hong Kong is part of China. After being questioned for an entire day, I was transferred to another police station in Lo Wu. Police did this so the time in detention for questioning without charge could be prolonged for another 24 hours. Perhaps they can do this indefinitely.”

Mr Cheng told the Commission that from this point until his release, he was not allowed to wear his glasses, and he said as a result he “felt dizzy all the time”. In the police car transferring him to another police station, the secret police played a song called “The Grand Earth”, by the band Beyond. “The lyrics mentioned a person needs to be separated from the hometown and the family in the coming indefinite future. The uniformed police whispered that I was handed over from ‘State Security Bureau’ and a senior leader instructed that I will be charged as a ‘criminal suspect of armed rebellion and rioting’. At Lo Wu Police Station, I redid the enrolment procedures (took prisoner photos, body check, DNA test, urine test, biometric info collection). In the interrogation room was around 10 officers, half in plainclothes (secret police) and half in uniform (civilian police). They again asked but failed to get my iPhone passcode. Secret police let the civilian uniformed police lead the interrogation. They claimed that external sources reported that I ‘solicited prostitution’. If I cooperate then I will face less hard treatment. I would not get a criminal record under ‘administrative detention’. The alternative was indefinite criminal detention, severe criminal charge and harsh treatment handled by secret police. I had no choice but to give a confession.”

Mr Cheng detailed in both the oral evidence hearing and in his written submission the process and steps that then followed, and this can be read in full in his written submission. He was released after 15 days in detention. In summary, he said:

“For sure I didn’t know if it will truly be the end after the proposed 15-day detention. I was handcuffed and interrogated within the detention centre; secret police arrived and the detention centre staff and correctional officers monitored the whole process. Secret police forced me to open my iPhone by grabbing my hair to do the facial recognition. The interrogator said: “We suspect you are a British spy and secret agent”. After they used violence, I gave my passcode. Correctional officers and detention centre staff seemed a bit shocked when they saw the violence. Secret police asked them to lock me up with handcuffs on the bar attached to the tiger chair. Although they seemed hesitant, they followed the orders to do so. In the following days, secret police took me out of the detention centre for interrogations. The head of the detention centre instructed doctors to do a full body check every time I was taken and returned to the detention centre, before and after the questionings. As the unit which held me (civilian police) and the unit which interrogated me (secret police) are from different systems, I sensed that the secret police are less monitored to do interrogation using torture outside the detention centre. The detention centre managers have less responsibility if physical harm to me is caused outside their facilities. When the secret police took me out of the detention centre, I was handcuffed, shackled, blindfolded and hooded (so it was hard to breathe).

I was not allowed to wear glasses from the very beginning, so I kept feeling dizzy and suffocated. Before I was blindfolded, I glimpsed a private van outside. They asked me to wear the prison jumpsuit and vest inside-out (for hiding my identity and information from others outside), then I was handcuffed, shackled, blindfolded and hooded. They dragged me into the private van, then instructed me to lay on the rear bench seat (trying not let others outside see me). It felt like a kidnapping. It was around 30-40 minute drive, then I was delivered to an unknown place. That area was quiet and seemed like a secluded place. I was dragged through grassy areas, went up a few steps, then put into a room. I heard the sound of moving something like furniture, I realised that may be the tools for torture. I said: "I will confess whatever you want, torture is not necessary". They said it is not torture but "training". I was hung (handcuffed and shackled) on a steep X-Cross doing a spread-eagled pose for hours after hours. I was forced to keep my hands up, so blood cannot be pumped up my arms. It felt extremely painful. Sometimes, they ordered me to do the "stress tests", which includes extreme strength exercise such as "squat" and "chair pose" for countless hours.

They beat me every time I failed to do so using something like sharpened batons. They also poked my vulnerable and shivering body parts, such as knee joint. I was blindfolded and hooded during the whole torture and interrogations, I sweated a lot, and felt exhausted, dizzy and suffocated. When they fed me during a short break between torture (I was still handcuffed, shackled, and blindfolded), they started to do politically correctional education and united front work. They said China is a country where it is not suitable to have full democracy at the moment because the majority of the population are still not well educated, and statecraft and good governance are highly professional skills which can only be managed and handled by a selective and capable minority. The so-called liberal democracy that empowered the mass public could only be populism which justifies what is wrong is right. They gave a historical example – Nicolaus Copernicus – a Renaissance-era astronomer who was targeted and bullied by the mass public just because he formulated a model that challenged the popular (church) belief by saying the Sun rather than Earth is at the centre of the universe. The interrogators showed an elitism mindset. Sometimes, they instructed me to stand still (handcuffed, shackled, blindfolded, and hooded) for hours after hours. I was not allowed to move and fall asleep, and if I did, then I would be punished by being forced to sing the Chinese national anthem, which they said can "wake me up".

This was the nonphysical torture – sleep deprivation – they used against me. While being subjected to this torture, I was not allowed to say even one word. They said they had a “rule” that I should seek their permission to speak (by saying “report, my master”). If I didn’t follow this rule, then they slapped my mouth and face with unknown weapons (felt like a sharpen baton). One low male voice spoke native Cantonese and his accent is similar to HongKongers. He said: “how dare you work for the British to supervise Chinese, you would be treated worse than shit”. Another male voice with northern-accented Mandarin said: “We are from secret intelligence service. You are also part of it (intelligence service) as Embassy/Consulate is a publicly recognised spy agency. Therefore, you should know you have no human rights in this place”. They started asking me if I know MI5 and MI6, anyone who seemingly work for both agencies, the building structure of the British Consulate-General Hong Kong, what floor for what departments and what the staff passes look like, etc. They were unhappy with the “question and answer” model, so requested that I proactively confess the “crimes I committed” regardless of what questions they ask. They expected I can complete their plot about “foreign meddling” in the Hong Kong protests.

They expected me to confess 1.) UK instigates the riots in Hong Kong by donating money, materials and equipment; 2.) I organise, participate and incite the protest in violent way; 3.) I pay the bail, using my salary from UK government, for those mainlanders who were arrested by Hong Kong police. Realising the seriousness of the crime they accused me of would probably mean I would be sentenced for decades or even for life in prison, I solemnly denied the accusations no matter how harsh I was treated. In the first week, the secret police saw I was seriously bruised on ankles, thighs, wrists, and knees, so they ordered me to not tell the truth to the doctors back in detention centre, and to claim it was because I slipped on the floor during the interrogations outside of the detention centre. The doctors jotted down my injuries on the medical record in the detention centre. Realising I can’t even walk in the following days, they paused physical torture but did more psychological way.”

Simon Cheng told the Commission that one interrogator, after accusing him of being a “traitor to the motherland”, told him he “guaranteed” he would not be released after 15 days and would be charged with subversion. “He claimed that he is prepared to bet his career on my further imprisonment. He probably knew the reason why I didn’t lose my sanity was because the hope, no matter how grim my treatment, [was] that I was going to be released after 15 days. While facing this hostility, I lost my will to fight for survival, and replied I will commit suicide if there is no definite end of my detention after 15 days.”

If the Chinese Communist Party regime tortures an employee of the British Consulate-General in Hong Kong in this way, one can only imagine how much worse the use of torture is against unknown mainland Chinese activists who have little hope of any voice in the international community. It is for that reason that the Conservative Party Human Rights Commission decided to publish these detailed extracts from Mr Cheng’s testimony. There is even more extensive detail in Mr Cheng’s written submission to the Commission.

Chinese Human Rights Defenders (CHRD) state in their submission to the Commission that “involuntary psychiatric commitment, a perverse system of extrajudicial detention, has persisted.” According to CHRD, “Authorities often used this system to silence and punish government critics and rights defenders in 2018. China’s Mental Health Law (2013) bans committing an individual to psychiatric institutions without the family’s consent or two doctors’ diagnoses, but the law left numerous loopholes. The NGO Civil Rights and Livelihood Watch has documented hundreds of cases including many individuals who remained locked up in psychiatric institutions.”

CHRD also highlights the use of torture in the detention centres and prison camps in the Xinjiang Uyghur Autonomous Region (XUAR), as does CSW in its written submission. The chapter on the situation in the XUAR will address this further, but CSW’s observation that “inside the camps conditions are dangerously unsanitary and overcrowded; detainees are subject to beatings, sleep deprivation, forced medication and solitary confinement.”

At a hearing of the United States Congressional Executive Commission on China on 28 November 2018, Mihrigul Tursun described her detention in a camp in XUAR:¹⁷

“I clearly remember the torture I experienced in the tiger chair the second time I was incarcerated. I was taken to a special room with an electric chair. It was the interrogation room that had one light and one chair. There were belts and whips hanging on the wall. I was placed in a high chair that clicked to lock my arms and legs in place and tightened when they press [sic] a button.

My head was shaved beforehand for the maximum impact. The authorities put a helmet-like thing on my head. Each time I was electrocuted, my whole body would shake violently and I could feel the pain in my veins. I thought I would rather die than go through this torture and begged them to kill me.”

As CHRD told the Commission in their written submission, “The deadly consequences of torture continued to play out in 2019. Citizen lawyer Ji Sizun and detained activist Wang Meiyu died from suspected torture. No transparent and independent investigation has been conducted into their deaths. No official responsible is known to have been held accountable. There are also reports of Tibetans dying following torture in prison. Authorities continued to use deprivation of medical treatment to punish detained or imprisoned rights defenders suffering from serious illnesses. Detained activist Huang Qi’s health declined as authorities refused to release him or provide him with adequate medical treatment for life-threatening liver and heart diseases and fluid in the brain. Huang Qi’s deteriorating health raised alarms Instead of releasing him, Chinese authorities convicted Huang and handed him a 12-year prison sentence in July 2019. Ten prisoners of conscience, including Huang Qi, remain on CHRD’s medical watch list at the time of this report’s submission.”

The Conservative Party Human Rights Commission is not in any doubt that the cases summarised in this chapter are just the tip of the iceberg. As the evidence outlined above shows, the government of the People’s Republic of China is in daily, persistent and grave breach of the Convention Against Torture.

¹⁷ Congressional-Executive Commission on China, ‘Hearing: The Communist Party’s Crackdown on Religion in China, Testimony of Mihrigul Tursun’, 28 November 2018 www.cecc.gov/sites/chinacommission.house.gov/files/documents/REVISED_Mihrigul%20Tursun%20Testimony%20for%20CECC%20Hearing%2011-28-18_0.pdf or YouTube, ‘Hearing on The Communist Party’s Crackdown on Religion in China’, 29 November 2018 www.youtube.com/watch?v=1WOem1tgDMc

Forced Organ Harvesting

*“Forced organ harvesting has been committed for years throughout China on a significant scale”
– The China Tribunal*



Summary

- The China Tribunal, chaired by Sir Geoffrey Nice QC, concluded “beyond reasonable doubt” that forced organ harvesting from prisoners of conscience is perpetrated in China and amounts to a crime against humanity
- The Chinese regime’s denial, lack of transparency and obfuscation about data on this topic has parallels with its handling of COVID-19
- The Chinese regime has subverted the World Health Organisation, as illustrated by the WHO’s handling of the pandemic and refusal to investigate forced organ harvesting

Allegations of forced organ harvesting from prisoners of conscience in China were first raised with the Conservative Party Human Rights Commission in our inquiry on China in 2016, which prompted the Commission to hold a separate, distinct inquiry specifically into forced organ harvesting, and we published that report later in 2016.

Subsequently, the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience – known as the “China Tribunal” – was established in 2018, chaired by the British barrister Sir Geoffrey Nice, QC, and it provided its final judgement in March 2020, which begins: “For over a decade the People’s Republic of China has stood publicly accused of acts of cruelty and wickedness that match the cruelty and wickedness of medieval torturers and executioners. If the accusations are true, then thousands of innocent people have been killed to order having their bodies – the physical integrity of their beings – cut open while still alive for their kidneys, livers, hearts, lungs, cornea and skin to be removed and turned into commodities for sale.”¹⁸

This independent people’s Tribunal, chaired by the barrister who prosecuted Slobodan Milosevic, Sir Geoffrey Nice QC, was established with a mandate to ask the very question: are these horrific allegations true, and if so what does it mean in international law? The seven-member panel, consisting of four experienced lawyers from different jurisdictions, an eminent medical expert, an academic and a businessman, had no prior involvement in or knowledge of the issue of organ harvesting and only one had specific China expertise, so no one can accuse them of being campaigners, activists or – worse – China-bashers. They were truly independent and exercised their skills to assess the evidence presented to them. They were supported by counsel who similarly had no prior China agenda, and they consulted two other independent legal experts.

In December 2018 the Tribunal issued an interim Judgment which said that based on the evidence they had been presented with, they

were “certain – unanimously, and sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims.”¹⁹ But in publishing an interim Judgment, they invited evidence to the contrary and gave the People’s Republic of China the opportunity to put its case. That invitation, as with five other requests to Beijing to engage with the inquiry, was met with silence.

In June 2019 the final summary Judgment was published, which reiterated the conclusion that forced organ harvesting has been perpetrated and concluded “beyond reasonable doubt” that it amounts to a crime against humanity.²⁰ It stated that “forced organ harvesting has been committed for years throughout China on a significant scale ... and Falun Gong practitioners have been one – and probably the main – source of organ supply”. It concluded that “the Tribunal has no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues until today”. Those who engage with the CCP regime, the Judgment argued, must do so in the knowledge that they are “interacting with a criminal state.”

The full judgement runs to 160 pages, but with appendices including all written evidence, totals 562 pages. It provides a detailed account of how the Tribunal came to its conclusions. It cites undercover telephone calls that indicate that China’s former President Jiang Zemin issued written orders to harvest organs specifically from practitioners of Falun Gong, and telephone calls in which doctors from leading Chinese transplant hospitals appear to admit that organs from Falun Gong practitioners are available. It heard from 28 witnesses who shared their personal experience of events related to organ harvesting, received a further 16 written witness statements and studied thousands of pages of further reading material from experts. All of this is published on the Tribunal’s website.²¹

Two of the central questions for China, which the Tribunal asks, are how to explain the discrepancy between the number of transplant operations carried out in the country versus the number of registered donors, and how to explain the availability of matched organs for patients within astonishingly short timeframes?

“Very large numbers of transplant operations have been carried out in the PRC,” the final Judgment notes. “The Tribunal assesses as credible numbers of operations between 60,000 and 90,000 per annum in the years 2000-2014. This, when compared to the number of eligible registered donors, which, by 2017, had risen to 5,146, leaves an incomprehensible gap”.

Furthermore, “to achieve the numbers of transplants performed – before and since 2017, the year of most recent estimate – there must have existed another source or other sources of tissue-typed organs.” The Tribunal concludes that “hospitals in the PRC have had access to a population of donors whose organs could be extracted according to demand for them.”

Based on the evidence, the Tribunal adds, “forced organ harvesting has happened in multiple places in the PRC and on multiple occasions for a period of at least 20 years and continues to this day.”

While it stops short of concluding genocide, the Tribunal “has no doubt whatsoever that physical acts have been carried out that are indicative of the crime of genocide”, specifically against Falun Gong and the Uyghurs. And it is in no doubt that forced organ harvesting constitutes “crimes against humanity”. It is, in the Tribunal’s Judgment, “the greatest possible breach of a person’s human rights” and one of the world’s “worst atrocities committed” in modern times.

The Conservative Party Human Rights Commission engaged regularly with Sir Geoffrey Nice QC and other members of the China Tribunal, and followed the proceedings of the Tribunal with close interest. During this inquiry in 2020 the Commission studied the China Tribunal’s interim and

final judgments, and also received evidence from the International Coalition to End Transplant Abuse in China (ETAC), which had commissioned the China Tribunal.

In its written submission to the Commission, ETAC notes that “there are important parallels between the Chinese Communist Party’s (CCP) response to COVID-19 and their response to allegations of forced organ harvesting, making familiarity with the latter very relevant in responding to the current crisis”. These parallels include “the use of denial, lack of transparency and obfuscation about data: China’s government has failed to provide accurate and timely data about COVID-19, just as it continues to withhold accurate and timely data about organ sources and transplantation rates in China. In response to criticisms and questions, the Chinese government responds with propaganda and attacks, and an assumed leadership position. Regarding COVID-19, we have seen aggressive propaganda efforts to move the narrative away from the secrecy and cover up at the start of the pandemic, diverting attention away from any independent investigation into the source of COVID-19, and towards a narrative in which China is the world leader in COVID-19 responses. Likewise, with forced organ harvesting, the Chinese government has vilified victims, tried to discredit human rights activists, and pursued an agenda of taking over international leadership positions involving organ transplantation.”

With regard to the role of the World Health Organisation (WHO), ETAC argues in its submission to the Commission that “the Chinese government has subverted the WHO to serve its own propaganda and national interests, resulting in the WHO failing to declare a pandemic in a timely manner, and refusing to investigate forced organ harvesting from prisoners of conscience, instead relying on ‘self-report’ from China. This pattern of responses is both invidious and to date, successful. It behoves all of us in democratic countries to fight for the truth.”

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ETAC detailed evidence in its submission not only from Falun Gong practitioners, but also from Uyghurs. “In 2017, the entire Uyghur population was forced to give blood tests and DNA samples to State medical staff, while the Han Chinese population of Xinjiang, well over half the population of Xinjiang, had no such obligation, thus ruling out the presence of infectious disease as the motive for the blood tests,” ETAC argues in its submission to the Commission. “This was accompanied by the construction of dedicated human organ transplant lanes in Kashgar and Urumqi airports, and a state plan to produce nine mass crematoriums in the region.” Uyghur and Kazakh victims, according to ETAC, “report blood tests, ultrasound, x-ray and body scans, following disappearances, particularly of the young and healthy ... The testing is also accompanied by torture, rape and deaths in custody”. ETAC notes that “when the vast majority of the victims of organ transplant abuse in China were Falun Gong practitioners, the global human rights community was mostly silent. There is a direct linkage between that silence and the killing of Uyghurs for their organs today.”

The World Uyghur Congress confirms this in their submission to the Commission, stating that “numerous survivors from internment

camps and other detention facilities have testified that they were forced to undergo medical evaluations (often while blindfolded) where blood samples and other biometric data was taken against their will. The prevalence of these claims among survivors points to a forced systematic collection of DNA and other biometric data of ethnic Uyghurs in arbitrary detention.”

It is worth noting, as ETAC observes in their submission to the Commission, that other international bodies are beginning to pay attention to these reports. In September 2019, the Republican National Committee in the United States passed a resolution condemning forced organ harvesting in China and stated that it “considers China’s involuntary organ harvesting as a major human rights violation”. The US State Department, the White House National Security Council, the Australian Department of Foreign Affairs and Trade, and the Royal College of Surgeons in the UK are all reviewing the judgment of the China Tribunal.

Four years on from the Conservative Party Human Rights Commission’s own inquiries into the allegations of forced organ harvesting from prisoners of conscience in China there can be little doubt now about the credibility of the reports, especially given the China Tribunal’s judgment. As Sir Geoffrey Nice told a side-event at the UN Human Rights Council in Geneva on 24 September 2019, “governments, UN bodies and ruling bodies of medical associations dealing with transplant surgery can no longer avoid what is inconvenient for them to admit. Crimes revealed in the China Tribunal judgment require immediate action. The UN and the International Transplant Society should face up to what is revealed in the China Tribunal judgment and act. The time of convenient ‘uncertainty’, when all these entities could say the case against the PRC was not proved, is past.”

¹⁸ The China Tribunal, Final Judgment, March 2020 - <https://chinatribunal.com/final-judgment/>

¹⁹ The China Tribunal, Interim Judgment, December 2018 - <https://chinatribunal.com/interim-judgement/>

²⁰ The China Tribunal, Final Summary Judgment, June 2019 - <https://chinatribunal.com/china-tribunal-final-judgement-and-report-17th-june-2019/>

²¹ The China Tribunal website, www.chinatribunal.com

Modern Slavery

“Forced labour is ... a central part ... of the crackdown” – Uyghur Human Rights Project



Summary

- Evidence suggests forced labour “on a massive scale”
- Slave labour is used in the supply chains of at least 83 global brands
- The Public Security Bureau and United Front Work Department deploy representatives at factory gates to record the ‘thoughts’ of Uyghur slave workers
- Prison labour is used for multinational corporations
- The UK should end the importation of goods made in prison-like conditions, put in place regulatory measures for mandatory due diligence by businesses on human rights and implement in full the recommendations of the independent review of the 2015 Modern Slavery Act with stronger reporting requirements and sanctions for non-compliance
- The British government must urge China to stop forced labour in all its forms, and to ratify the International Labour Organisation’s International Labour Standards, the Convention on Forced Labour, the Abolition of Forced Labour Convention and the Protocol to the Forced Labour Convention

One of the most shocking new developments since the Conservative Party Human Rights Commission's previous report in 2016 is the revelation that forced labour is now used throughout China in factories which are part of the supply chains of major international corporations. This is revealed through evidence presented directly to our inquiry by several oral witnesses and in several written submissions, and detailed particularly in the report by the Australian Strategic Policy Institute (ASPI) titled *Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang*. That report claims that "the Chinese government had facilitated the mass transfer of Uyghur and other ethnic minority citizens from the far west region of Xinjiang to factories across the country. Under conditions that strongly suggest forced labour, Uyghurs are working in factories that are in the supply chains of at least 83 well-known global brands in the technology, clothing and automotive sectors, including Apple, BMW, Gap, Huawei, Nike, Samsung, Sony and Volkswagen."²²

Two of the report's authors, Vicky Xiuzhong Xu and Nathan Ruser, gave oral evidence to the Conservative Party Human Rights Commission in an online hearing and described how they had discovered in 2019 that Uyghurs were being transported from Xinjiang to other provinces to work. "It is a policy of the central government," they told the Commission, resulting in "tens of thousands of people pushed out of their homes every year and sent to eastern provinces to work in the supply chains of international brands". In the factories, Ms Xu and Mr Ruser told the Commission, workers are subjected to conditions of forced labour, "under heavy surveillance", and in their few hours of free time are "compelled to attend Mandarin Chinese language classes and political indoctrination classes".

ASPI's report estimates that "more than 80,000 Uyghurs were transferred out of Xinjiang to work in factories across China between 2017 and 2019, and some of them were sent directly from detention camps". ASPI emphasises that "the estimated figure is conservative and the actual figure is likely to be far higher".²³

ASPI has identified 27 factories in nine Chinese provinces that are using Uyghur labour transferred from Xinjiang since 2017. Some, such as the Taekwang Shoes Company factory in Qingdao, Shandong province, are "equipped with watchtowers, razor wire and inward-facing barbed-wire fences", and the movements of workers are "closely monitored by a police station at the side gate equipped with facial recognition cameras".²⁴ In their oral testimony to the Commission, Ms Xu and Mr Ruser confirm this finding, emphasising that they had identified the existence of a police station at the factory. Their report also cites the fact that the Public Security Bureau and the United Front Work Department "have representatives stationed inside factories like Taekwang to report daily on the 'thoughts' of the Uyghur workers, manage any disputes and guard against spontaneous 'mass instances'".²⁵

According to Ms Xu and Mr Ruser in their oral testimony to the Commission, recruitment companies, brokers and receiving factories are directly involved in the process of transferring labour from Xinjiang to other provinces. "Human resources companies receive payment for every Uyghur transferred, so they have been incentivised to be part of this process," they told the Commission. In their report they note that "according to a 2018 Xinjiang provincial government notice, for every rural 'surplus labourer' transferred to work in another part of Xinjiang for over nine months, the organiser is awarded 20 Yuan (US\$3); however for labour transfers outside of Xinjiang, the figure jumps 15-fold to 300 Yuan (US\$43.25). Receiving factories across China are also compensated by the Xinjiang government, receiving a 1,000 Yuan (US\$144.16) cash inducement for each worker they contract for a year, and 5,000 Yuan (US\$720.80) for a three-year contract. The statutory minimum wage in Urumqi, Xinjiang's regional capital, was 1620 Yuan (US\$232.08) a month in 2018."²⁶

Online advertising has also been used to promote "government-sponsored Uyghur labour" to factories around China, according to ASPI. "In February 2019, a company based in Qingdao published a notice advertising a large

number of ‘government-led ... qualified, secure and reliable’ Uyghur workers for transfer to some 10 provinces,” ASPI report.²⁷

Other submissions received by the Conservative Party Human Rights Commission support ASPI’s claims. In its written submission CSW told the Commission that evidence produced by ASPI, as well as Initiatives for China, the Center for Strategic and International Studies and Dr Adrian Zenz “revealed evidence of forced labour occurring in XUAR and beyond on a massive scale. This mass labour project involves not only Uyghurs detained in the camps and in the prison population, but also those remaining behind in their villages, where Uyghurs are coerced and pressured into taking manufacturing and other jobs under the banner of ‘poverty alleviation.’” Although verifying reports of life in the factories, CSW acknowledges, is difficult, “individual accounts together paint a picture of strict control over all aspects of workers’ lives, including the food they eat, the language they speak, their communication with their families, and their religious practice. Normal religious observance is impossible in these conditions.”

The Uyghur Human Rights Project states in its written submission to the Commission that “forced labour is ... a central part ... of the crackdown on the XUAR’s Uyghurs, Kazakhs and other groups” led by the Party Secretary in Xinjiang, Chen Quanguo. Acknowledging ASPI’s research, the Uyghur Human Rights Project also notes that “earlier research by Adrian Zenz has shown that XUAR authorities have long been ‘graduating’ internees into factories while also conscripting non-interred Uyghurs from the rural south into various ‘flows’ for forced labour, with the ultimate goal of turning the entire region into a hub for cheap labour under pretenses of a ‘poverty alleviation’ program. Upon completion of their internment, Uyghurs and others are sent to work in factories for a penance. Survivors describe poor labour conditions, including low wages and abuse by superiors.”

New research published this year suggests that the model of forced labour used in XUAR is now being applied to the Tibet Autonomous Region (TAR) as well. A new report by Dr Adrian Zenz published during the Conservative Party Human Rights Commission inquiry highlights the introduction of new policies in 2019 and 2020 to promote “the systematic, centralised and large-scale training and transfer of ‘rural surplus labourers’ to other parts of the TAR” and finds that “in the first seven months of 2020, the region has trained over half a million rural surplus labourers through this policy”. This policy “mandates that pastoralists and farmers are to be subjected to centralised ‘military-style’ vocational training, which aims to reform ‘backward thinking’ and includes training in ‘work discipline’, law and Chinese language. Dr Zenz notes that “an order-oriented, batch-style matching and training mechanism trains labourers based on company needs” and that “recruitments rely, among other things, on village-based work teams, an intrusive social control mechanism pioneered in the TAR by Chen Quanguo and later used in Xinjiang to identify Uyghurs who should be sent to internment camps”. This “draconian scheme”, Dr Zenz concludes, “shows a disturbing number of close similarities to the system of coercive vocational training and labour transfer established in Xinjiang. The fact that Tibet and Xinjiang share many of the same social control and securitisation mechanisms – in each case introduced under administrations directed by Chen Quanguo – renders the adaptation of one region’s scheme to the other particularly straightforward.”²⁸

In addition to the transfer of Uyghurs and others into factories across China, there is also the issue of prison labour.

Peter Humphrey, a British businessman and former journalist who lived and worked in China for almost three decades and who spent two years in jail in China from 2013-2015, told the Commission in his written submission: “During my wrongful captivity in Shanghai I was able to witness some aspects of the prison labour system in practice in that period, chiefly among foreign prisoners.”

From 10 July 2013 to 4 September 2014, according to his written submission to the Commission, Mr Humphrey was held in the Shanghai Municipal (Number 1) Detention Centre which was predominantly for pre-trial detainees. He emphasises: “During that period I witnessed no compulsory manufacturing labour taking place there. Officers told me it had been abolished just a few years earlier. The only prison labour I saw there was food-serving and corridor-cleaning performed by convicted prisoners on short sentences.”

However, from 4 September 2014 to 4 June 2015, Mr Humphrey was held in Qingpu Prison in Shanghai, which in his written submission he says holds “more than 5,000 prisoners” and includes a dedicated cell block for foreign male prisoners. During his time in prison, he told the Commission, “about 150 foreigners were held in Qingpu ... I was one of three British prisoners there during my time in captivity.” Currently, he says, the total number of foreign prisoners in Qingpu Prison is over 250, according to recently released prisoners.

“Prisoners from Chinese brigades/cell blocks had labour arrangements different from the foreign prisoners,” Mr Humphrey notes in his written submission to the Commission. “Chinese prisoners worked in a full-fledged classic blue-roofed factory which was a separate building on the prison’s campus,” he observes. “Every morning at 7am I saw thousands of prisoners from Chinese cell blocks march in military formation through the campus to the factory. I saw them return and head for their cell blocks around 7pm. This means they were out of their cells for 12 hours of the day to work in the factory ... I was never able to visit the factory where they worked. But in my occasional interactions with some Chinese prisoners, I was told they made apparel for Adidas and Reebok and electronic components for companies whose names I did not learn.”

Foreign prisoners were also subjected to labour, but in a different location. “The prison authorities did not want foreign prisoners to see the prison factory, so they made them work inside their cell block in a work room that doubled up as a dining room and assembly room and euphemistically called the ‘activity room,’” Mr Humphrey describes in his submission to the Commission. “Every prisoner was expected to work in some shape or form, but the manufacturing work was not compulsory at that time. The work earned some remission points in theory, as well as about 120 yuan (£10-12) monthly at most. It was possible to opt out and pursue other approved activity such as joining the work teams cleaning communal areas ... food serving at meal times, teaching prescribed classes to officers and other prisoners.”

Mr Humphrey told the Commission that in Qingpu Prison’s foreign prisoners’ work room he saw prisoners working on products “for a mixture of domestic and foreign brands”, including “3M, C&A and H&M”. Other prisoners told him they were working on products for Adidas. “The work was mostly the assemblage of packaging components for the brands, such as plastic tag holders or tags for shop displays,” he notes in his written submission. “Sometimes display rack components were also assembled. The work was simple, monotonous and entirely manual. No machinery was used. Materials would be brought in from a store room, worked on, packed into boxes and shipped out again.”

Mr Humphrey himself did not participate in this labour but he often sat in the work room reading and watching, and he observed that “a number of prison officers had duties related to this commercial enterprise”. Some officers, he says in his submission, “were responsible for bringing in orders from companies outside the factory; others oversaw production work. They received bonuses for the work.”

Since his release, Mr Humphrey has continued to monitor the situation in prisons in China, especially with regard to prison labour. He told the Commission: “During the four years or so after my 9 June 2015 release, I have tracked some of the changes in the evolving prison regime as it hardened up under the rule of Xi Jinping. I did this by developing a small ‘alumni circle’ of former and current Qingpu Prison inmates to gather intelligence from them. This included contacting former prisoners who were already released before me ...; writing under alias via consulates to several prisoners who remained in the prison after my own release and receiving letters back from them; gathering info about new releases who I could contact, even prisoners I had not known.”

In December 2019, Mr Humphrey received information confirming some of the international brand names whose products were supplied by prison labour. “They included gift bags for Disney, Zara, Voila, Bobeau and Greenbrier, insulation cards for 3M, coloured sticky notes for Paperzone, Christmas gift tags and Christmas cards for Tesco, and oatmeal for Quaker,” he notes in his submission to the Commission.

Revelations about Tesco’s Christmas cards were published in *The Sunday Times* on 22 December 2019.²⁹ Mr Humphrey told the Commission that “the Tesco work was confirmed when a six year-old London girl (Florence Widdicombe) found a message in a Christmas card in a Tesco box set and showed it to her father. A prisoner in Qingpu had secretly written a plea for help inside the card, alleging the prisoners were being forced into manufacturing labour against their will and asking the finder to bring the message to the media via me personally. I was named in the message, which suggested the author/prisoner must have known me when I was a prisoner in Qingpu. The London girl’s father, a civil servant (Ben Widdicombe) working in the criminal justice field, researched my name, found me and contacted me. He showed me the note and I recognised the handwriting as that of a former cellmate. I then tracked down a number of recently released prisoners on five

continents, interviewed them remotely and not only confirmed that the prisoners were packaging Tesco greeting cards into box sets but also learned they had been packing oat sachets for Quaker,³⁰ and packaging products for a number of other well-known international brands.”

According to Mr Humphrey, after the media coverage Tesco investigated independently and ended its contract with the Chinese supplier Yunguang, and Disney did the same.³¹

Mr Humphrey notes in his submission that “this message in a bottle technique used by the Qingpu prisoners to blow the whistle in a plea for help is not unprecedented. In a similar case in 2012, an American woman found an SOS letter inside a box of Halloween decorations she had bought from Wal-Mart in Seattle. It was later confirmed to be a genuine cry for help from a prisoner in the notorious Masanjia labour camp.” The Conservative Party Human Rights Commission subsequently met with that same prisoner, Sun Yi, on several occasions after his escape into exile in 2016 and before his death in 2017.

In his written submission Mr Humphrey notes a significant change in regard to prison labour since his release in June 2015. “In my time, manufacturing labour was optional ... Over the past four years they gradually pressured more and more foreign prisoners to join in. Then, just over a year ago, it was made mandatory for every foreign prisoner to participate,” he notes.

Mr Humphrey concludes in his submission that “not all prison labour in the world amounts to a human rights abuse. Prison labour is implemented in many countries. In some countries, paid work in prison is actually viewed as a privilege ... But what is wrong here is that the Chinese prison is operating as a commercial enterprise and forcing prisoners to work on commercial manufacturing for a pittance without the option of non-participation. The prison makes a good profit. The prisoner makes very little that he can save for his eventual ‘new’ life. The result is resentment, not personal reform. Every

Chinese prison operates this system to fund its operations, I call it prisonomics. For the prison administrations it has become an economic imperative to make prisoners work in this profitable enterprise. Chinese prisons are thus disincentivised to facilitate a prisoner's reform and sentence reduction. Quite the opposite, Chinese prisons are incentivised to make the prisoners serve as long as possible in order to hang on to their labour."

The Rights Practice recommends in its submission to the Commission that "the UK can demonstrate leadership in ensuring that the government's commitment to end modern slavery is real by responding positively to initiatives such as the one, led by GLAN [Global Legal Action Network] and WUC [World Uyghur Congress], to end the importation of goods made in prison-like conditions. The UK should also respond positively to the call by the Investor Alliance for Human Rights that countries put in place regulatory measures for mandatory due diligence by businesses on human rights. At the very least the government should implement in full the recommendations of the independent review of the 2015 Modern Slavery Act with stronger reporting requirements and sanctions for non-compliance."

The Conservative Party Human Rights Commission strongly condemns the use of forced labour and prison labour in China today, and is especially gravely concerned that such modern slavery practices are so endemic in the supply chains of major British and international brands. It is absolutely vital that the United Kingdom government address this grave situation as a matter of utmost urgency, by adopting and implementing a human rights due diligence framework for companies registered in Britain.

It is noteworthy that, while this report was being produced, two Select Committee Inquiries were held, both focusing substantially on the issue of forced labour in the Uyghur

Region: a sub-inquiry conducted by the Business Energy and Industrial Strategy Committee, led by Nusrat Ghani MP, and an inquiry undertaken by the Foreign Affairs Select Committee. Both have received a large quantity of submissions from companies, civil society organisations, and Uyghur survivors. There is substantial consensus across submissions that the Government must do more to protect UK consumers from complicity in the slavery of Turkic Muslims in the Uyghur Region. The apparel industry, in particular, is fraught with risk.

The XUAR region is central to the global supply and value chains of many companies.³² China is the largest global producer of cotton, and 84% of this cotton comes from XUAR.³³ Yet alleged forced labour in XUAR does not begin and end with the cotton industry. Giants such as Apple, BMW, Nike, Sony and others have been accused of profiting from Uyghur forced labour. As entities trading in the UK, this raises the prospect that these companies may be exposing UK consumers to complicity in systems of severe exploitation in Western China. Section 54 of the Modern Slavery Act 2015 provides that companies with a turnover of more than £36 million should produce a Modern Slavery Statement setting out the steps they have taken to address slavery in their supply chains. Five years later, in spite of recommendations from the Independent Review into the Modern Slavery Act,³⁴ Section 54 has yet to be meaningfully strengthened. Currently, it is perfectly possible for a company to produce a non-compliant Modern Slavery Statement without any punitive consequences. Moreover, in the view of the Government, it remains the responsibility of civil society to "...put pressure on businesses that are not doing enough to eliminate modern slavery from their supply chains."³⁵ The government has maintained this position since 2015. The Commission contends that Government must play a more active role in holding companies to account for their sourcing practices, especially where mass atrocities are in prospect, as in "Xinjiang".

This could be achieved by amending the Company Directors Disqualification Act to enable the disqualification of businesses which are knowingly facilitating atrocity crimes, forced labour, or which fail to disclose egregious human rights abuses in their Modern Slavery Statements. The Commission also recommends that the Government publish clear and comprehensive cross-departmental guidelines for companies on their statutory obligations under the Modern Slavery Act 2015, the Foreign Prison Made Goods Act, 1897, and any other legislation relevant to human rights abuses in their supply chains. This should also set out minimum audit standards together with a “Red-Amber-Green” risk assessment tool designed to help companies source safely.

An improved legislative framework is needed to enable the UK to act swiftly and robustly to terminate public contracts with any companies found to be using forced labour. Such companies should be issued with revised and consolidated transparency guidelines which make clear their due diligence responsibility and audit standards. Similar guidelines should be provided to the wider corporate sector, beyond public procurement. The government should also legislate to ensure human rights due diligence is a requirement in all bilateral trade agreements, and perform a human rights risk assessment of existing trade agreements with a view to preventing the import of goods or services produced with slavery. In terms of foreign policy, the United Kingdom should pressure the government of China to end the use of forced labour completely, to stop prison labour being used for commercial manufacturing, to give multinational companies unrestricted access to investigate any reports of abusive or forced labour practices, to ratify the International Labour Organisation (ILO) International Labour Standards, the Convention on Forced Labour 1930, the Abolition of Forced Labour Convention 1957 and the Protocol of 2014 to the Forced Labour Convention.

On 25 March 2007 the 200th anniversary of the Abolition of the Slave Trade Act was celebrated, and the work of William Wilberforce, the Member of Parliament who worked for more than forty years to end the slave trade, was rightly remembered. Yet 13 years on from that anniversary, modern slavery continues throughout the world, nowhere more so than in China and in the Chinese supply chains of multinational brand corporations. Outside of North Korea, where prevalence figures are estimative at best, no country can compare with China's contemporary record of state-sponsored slavery. It is beyond dispute that UK consumption is driving this practice. This can no longer be tolerated.

²² Australian Strategic Policy Institute (ASPI), Uyghurs for Sale, 2020 - <https://www.aspi.org.au/report/uyghurs-sale>

²³ Ibid.,

²⁴ Ibid.,

²⁵ Ibid.,

²⁶ Ibid.,

²⁷ Ibid.,

²⁸ Dr Adrian Zenz, "Xinjiang's Militarised Vocational Training System Comes to Tibet," September 2020 - https://ipac.global/wp-content/uploads/2020/09/Zenz-Tibet_Militarized_Labor__FINAL_SEPT_21_CLEAN_.pdf

²⁹ The Sunday Times, "Tesco charity cards 'packed by China's prison slaves'," 22 December 2019 - <https://www.thetimes.co.uk/article/tesco-charity-cards-packed-by-chinas-prison-slaves-v9psp9fqx> and article by Peter Humphrey in the same edition - <https://www.thetimes.co.uk/article/sawdust-burgers-and-borscht-peter-humphreys-christmas-in-a-chinese-prison-7q0rnsrnk> and further coverage on 29 December 2019 in The Sunday Times, "Revealed: Prisoners who sent Tesco cards from Chinese jail," by Peter Humphrey: <https://www.thetimes.co.uk/article/revealed-prisoners-who-sent-tesco-cards-from-chinese-jail-mr8g98nzv>

³⁰ The Sunday Times, "China's prison slaves forced to pack Quaker oats," by Peter Humphrey, 19 January 2020 - <https://www.thetimes.co.uk/article/chinas-prison-slaves-forced-to-pack-quaker-oats-mrbcs8sgm>

³¹ The Sunday Times, "Tesco cuts ties with Chinese card factory," by Peter Humphrey and Jon Ungood-Thomas, 9 February 2020 - <https://www.thetimes.co.uk/article/tesco-cuts-ties-with-chinese-card-factory-r25s2hkjr>

³² The Guardian, "Virtually entire' fashion industry complicit in Uighur forced labour, say rights groups, 23 July 2020 <https://www.theguardian.com/global-development/2020/jul/23/virtually-entire-fashion-industry-complicit-in-uighur-forced-labour-say-rights-groups-china>

³³ Lehr, et al., Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains, Centre for Strategic and International Studies, October 2019 <https://www.csis.org/analysis/connecting-dots-xinjiang-forced-labor-forced-assimilation-and-western-supply-chains>

³⁴ Independent Review of the Modern Slavery Act, 2015: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

³⁵ The Parliamentary Under-Secretary of State for the Home Department, Karen Bradley MP, 4 November 2014, Hansard: <https://hansard.parliament.uk/Commons/2014-11-04/debates/14110444000002/ModernSlaveryBill>

The Surveillance State

"China has taken us closer to George Orwell's dystopian nightmare of '1984' than any other state"

– Yang Jianli



Summary

- The Chinese Communist Party regime is building an all-encompassing surveillance state, using technology as well as strengthening more traditional forms of surveillance through informants and infiltration
- Unmanned drones, satellites, artificial intelligence cameras and the censorship of the Internet and social media form part of this surveillance apparatus
- Chinese technology companies such as Huawei are at the heart of this operation
- China is selling this technology to other dictatorships

The Chinese Communist Party's use of surveillance technology is extensive and advanced. In the past four years since the Conservative Party Human Rights Commission's previous inquiry and report, the development of an Orwellian-style surveillance state has continued to grow. It is particularly intrusive in the Xinjiang Uyghur Autonomous Region (XUAR), but it is increasingly deployed throughout other parts of China as well.

Dr Yang Jianli, founder and President of Citizen Power Initiatives for China, told the Conservative Party Human Rights Commission both in an oral evidence hearing and in his written submission that "repression and human rights abuse under dictatorship start with surveillance, one way or another".

In his written submission to the Commission, titled *Virtual Gulag: China is Perfecting its Surveillance State in Xinjiang and the Rest of the PRC*, Dr Yang emphasised that "the central work of the Chinese Communist Party (CCP) is to maintain its absolute dictatorship through ruthless violence, lies and terror to hold on to power. To achieve this goal, the Chinese Communist Party has been building a total surveillance system, from conventional to high-tech, to ensure regime security. All is done in the name of public security deceptively and containing the coronavirus is giving it a brand new convenient legitimacy."

Human Rights Watch agrees, stating in its submission to the Commission that: "The government's use of mass surveillance technologies is on the rise. Police, security agencies, and public and private entities targeted their use at vulnerable communities".

In 2019, for example, according to Human Rights Watch in its submission, "media reports revealed that a Hangzhou school had installed cameras to monitor students' facial expressions and attentiveness, while a Nanjing company had required sanitation workers to wear GPS watches to monitor their efficiency."

In the XUAR, the CCP has been developing extensive surveillance systems since 2004, according to Dr Yang. "The first was the 'safe capital' project, which surveys the entire city of Urumqi. The government intensified their efforts after the July 5th ethnic conflict incident in 2009 and gradually spread the surveillance system to cover the entire Xinjiang region. After more than ten years construction, the 'safe capital' is still ongoing with upgrades and new technology replacements. In 2017 the Xinjiang government began implementing the 'safe cell' project, aiming to cover 100% of all districts without any blind spot. Integrated with China's Skynet, Smart City and Sharp-eye frameworks, Xinjiang has become a heavily securitised police region with its multi-dimensional stereoscopic surveillance system."

Dr Yang told the Commission in his submission that "although more reports come out about Xinjiang surveillance, the magnitude, scope and impact of it is unfortunately not well recognised or reported. Previous studies on Xinjiang's surveillance focus on one or few aspects of the repressive measure. There is no comprehensive research done on companies and research institutions that conduct R&D, suppliers, operators and exporters."

He added: "What makes this bad situation worse is that China exports these technologies to other authoritarian governments, allowing them to control their people more effectively. China has taken us closer to George Orwell's dystopian nightmare of '1984' than any other state."

In his submission to the Commission, Dr Yang further argues that "China's weapons of mass surveillance have already shown its ability to exert absolute control of populations, as evidenced by the mass detention and control of millions of Uyghurs in Xinjiang. The system uses cutting-edge technologies to control almost every aspect of people's lives." The CCP's surveillance systems, he says, result in a "total control system focusing on people's behaviours and thoughts in both cyberspace and the real world". Unlike past forms of surveillance which relied on police operations, Dr Yang told the

Commission that “this is a massive social engineering project which requires the entire government agencies’ and society’s participation in systematically watching each other and reporting regime security risks.”

The surveillance system relies both on human networks as well as artificial intelligence and data “to track, detect and eliminate ‘politically unreliable elements,’” Dr Yang told the Commission in his submission. “With a tightly woven 90 million strong human network of CCP members, 4.6 million party organisations at its core, the web with tens of millions of police ... spies, informants, and a digital network ... China’s surveillance system has effectively silenced any dissent.”

In addition to the “human layer of the surveillance system”, according to Dr Yang, there is the “invisible layer of the digital surveillance system”, developed in Xinjiang and “expanding to the entire PRC”. This consists of three main platforms, Dr Yang explains: Skynet, Safe-city and Sharp-eyes. “Each has their own unique capabilities. Skynet uses a video surveillance system that can monitor in real-time anyone and integrate information of surveilled objects. Safe-city is a massive and comprehensive urban security management system built on both hardware, software and human components. The Sharp-eyes system covers China’s vast countryside where the Skynet’s cameras cannot reach. It uses televisions, cell phones and other devices with apps to form a real-time surveillance network in rural areas and then feeds into Skynet and Safe-city. This is an advanced and integrated digital surveillance system.”

To summarise, Dr Yang told the Commission in his submission that “today, unmanned drones patrol over Xinjiang cities, satellites track cars and trucks on the roads, cameras with artificial intelligence on lampposts read pedestrian faces, iris, and analyse their emotions and gaits”. In addition, WeChat – China’s social media platform – “reads every word and image posted – the information is scanned almost instantly and placed against a vast database to determine ... loyalty to the regime.” Video cameras in classrooms and

places of worship are installed, Dr Yang says, “to ensure that teachers and clergy do not deviate from the Communist Party’s line”. Students, he adds, “wear uniforms with chips that lock in their location and even prevent them from dozing off”. Surveillance apps are deployed to watch “every household” in a village, and “the thought police use the Great Firewall and the Golden Shield to trawl the internet and block the flow of information they deem subversive and pro-actively shape public opinion with their own fake news.”

Dr Joanne Smith Finley, Reader in Chinese Studies at Newcastle University, confirms the existence of the pervasive surveillance system in her written submission to the Commission. She notes that in 2016 she was warned by two Uyghur friends during a visit to the region that: “There are eyes and ears everywhere. You must take care at all times about what you’re saying, to whom, and where you say it. Police trucks parked at the roadside contain surveillance equipment allowing police to listen in on public conversations up to a distance of 15 metres away.” She observes that by 2018 “securitisation and surveillance was prevalent across every inch of the regional capital Urumchi. On 28-29 June 2018, I observed prefab ‘convenience police stations’ every few hundred metres throughout the city: two or three-storey grey structures with barricaded doors, PRC flag and flashing lights. There were also mobile police boxes parked at roadsides.”

Chinese multinational corporations such as Huawei and Hikvision are at the very heart of developing the CCP’s surveillance state. As research by the Australian Strategic Policy Institute (ASPI) shows, Huawei is openly collaborating with the Public Security Bureau to construct surveillance technology in Xinjiang and other parts of China. Dr Adrian Zenz, Senior Fellow in China Studies at the Victims of Communism Memorial Foundation and a leading researcher on the situation in Xinjiang, told the Conservative Party Human Rights Commission that “we must conclude that Huawei is directly implicated in Beijing’s police state and related human rights violations in Xinjiang, and that it has lied to the public about this fact.”

Human Rights Watch confirms this in its submission to the Commission. “Chinese technology companies, particularly Huawei but also artificial intelligence companies such as Cloudwalk, were under intense scrutiny for their ties to the Chinese government and their cooperation with foreign technology counterparts. As they expand worldwide, offering affordable equipment and services to governments and companies, there are concerns that they are enabling the proliferation of mass surveillance.”

The decision by the United Kingdom to reverse its previous agreement to invite Huawei to invest in Britain’s 5G technology infrastructure is welcome, and follows the position of several other governments, notably the United States, Australia, France and several other European allies. But the United Kingdom government must remain vigilant and desist from any further contractual agreements with Chinese technology companies whose investment would be both unethical, due to their complicity with grave violations of human rights including atrocity crimes, and dangerous, as it would pose a threat to our national security.

As Kai Strittmatter writes in his important book *We Have Been Harmonised: Life in China’s Surveillance State*, “within its borders, China is working to create the perfect surveillance state, and its engineers of the soul are again trying to craft the ‘new man’ of whom Lenin, Stalin and Mao once dreamed. And this China wants to shape the rest of the world in its own image.”³⁶

The Conservative Party Human Rights Commission was pleased to engage with Kai Strittmatter, including holding one meeting with him during the course of the inquiry, and drew extensively from his book as we developed our thinking for this report. We agree with his conclusion that “it is time for the West to let go of that form of wishful thinking that one wise author exposed as a ‘China fantasy’ some years ago: the idea that a more open economy and increasing prosperity would automatically bring political liberalisation to China. For a long time, despite all the evidence to the contrary, people clung to the reassuringly pragmatic notion that if we engaged and traded with China, it would start to resemble us ... In Xi Jinping’s China, this is no longer the case ... Xi is dispensing with the premises of Deng Xiaoping’s policy of reform and opening-up; his China is no longer a state where everything is subordinate to economic success. Now, political control is at the heart of things ... He took on a diverse, lively, sometimes insubordinate society and did everything in his power to ‘harmonise’ it, as they say in China, stifling the voices of those who think differently and subordinating every last corner of society to the command of the Party ... He wants every last speck of land in China to be under his watchful gaze.”³⁷

As Dr Yang concludes in his submission to the Commission, “China’s total surveillance has saved and continues to protect its one-party state. As a result, it is propping up dictators around the world. These regimes now have unique capabilities beyond the barrel of a gun to control their populations and perpetuate their power. In the process, and under the CCP’s design, Xinjiang has become China’s surveillance technology R&D hub, product testing site, implementation site and now it turns into surveillance technology and products export hub. Xinjiang’s surveillance model is rapidly spreading to internal China. Democratic governments and civil society need to understand it thoroughly to counter it.”

³⁶ Kai Strittmatter, *We Have Been Harmonised: Life in China’s Surveillance State*, 2019 – page 1

³⁷ Ibid., – page 5

The persecution of the Uyghurs and other Muslims in the Xinjiang Uyghur Autonomous Region

“As a Jew, knowing our history, the sight of people being shaven headed, lined up, boarded onto trains, and sent to concentration camps is particularly harrowing. That people in the 21st century are being murdered, terrorised, victimised, intimidated and robbed of their liberties because of the way they worship God is a moral outrage, a political scandal and a desecration of faith itself.”

– the late former Chief Rabbi Lord Sacks

Summary

- Over a million, perhaps as many as three million, Uyghurs and others in the XUAR are incarcerated in prison camps
- The regime is pursuing a campaign of forced sterilisation and forced abortion
- A campaign of ‘linguicide’ – the prohibition and destruction of the Uyghur language – is underway
- A committee of the Canadian Parliament has concluded that this amounts to genocide, a new Uyghur Tribunal has been established, chaired by Sir Geoffrey Nice QC, to determine whether it amounts to genocide, and increasingly experts are pointing to indicators of genocide.



Photo credit: Instagram account @yirikler

As the Uyghur Human Rights Project notes in its submission to the Conservative Party Human Rights Commission, “since the Commission’s last inquiry in 2016, Uyghurs and Turkic peoples in the Xinjiang Uyghur Autonomous Region (XUAR) have experienced an alarming decline in the full range of internationally defined human rights standards. Uyghurs overseas, academics, legislators, government officials, and rights activists have labelled the current repression as an existential threat to the Uyghur people and a probable cultural genocide.” Indeed, since that submission was made to the Commission, an increasing number of experts describe the scale of the human rights violations perpetrated by the Chinese Communist Party (CCP) regime as reaching the level of the gravest violations in international law. Based on the evidence received by the Conservative Party Human Rights Commission in this inquiry, we believe that the CCP is committing mass atrocity crimes against the Uyghurs and others in the XUAR (which the Uyghurs refer to as ‘East Turkistan’), and that evidence is indicative of the crime of genocide.

In late 2016, just two months after the Conservative Party Human Rights Commission’s last report was published, Chen Quanguo was appointed as Party Secretary of the XUAR, as noted in the submissions to the Commission by the Uyghur Human Rights Project and the World Uyghur Congress. As the Uyghur Human Rights Project observes in its submission, “this move precipitated the human rights crisis currently underway in the region. The Chinese government mandated Chen to implement a series of measures with the aim of ‘stability maintenance’. These measures include the shocking internment of up to 1.8 million individuals in a wide network of rapidly constructed camps. From leaked Chinese government documents, the selection of internees is arbitrary.”

The World Uyghur Congress agrees, stating in its submission to the Commission that Chen Quanguo “introduced a grid-style system of total surveillance, first tested on the Tibetan people, in both the public and private sphere. He also established political indoctrination camps all over East Turkistan, numbering in the thousands. The CCP has extended its outright assault on basic human rights and fundamental freedoms guaranteed under international and Chinese law by effectively criminalising even the most basic aspects of Uyghur life and identity.”

From the evidence received by the Conservative Party Human Rights Commission in this inquiry, it is clear that the CCP is carrying out an all-out assault on the Uyghurs. This includes mass internment, forced labour, torture, mass surveillance, severe violations of freedom of religion or belief and forced sterilisation. Some of these violations have been covered in previous thematic chapters, but this chapter will attempt to summarise the key evidence. In doing so, we also note that China’s state media has declared that the aim in this crackdown on the Uyghurs is to “break their lineage, break their roots, break their connections and break their origins.” As *the Washington Post* put it in an editorial, “It’s hard to read that as anything other than a declaration of genocidal intent.”³⁸

As CSW highlights in its submission to the Commission, “in November 2019, *the New York Times* revealed that they had received over 400 pages of leaked internal Party documents which provided further evidence of a vast and brutal crackdown, carefully and deliberately planned at the highest levels of Party leadership. More leaked documents were revealed by the International Consortium of Investigative Journalists on 24 November 2019. The documents similarly detailed the mechanisms, guidelines and procedures behind the detentions in XUAR; they also shed light on the severity of conditions inside the camps. The strength of the evidence leaves no doubt that mass detentions are taking place in XUAR which violate domestic and international law.”

According to CSW in its submission, “over one million individuals are believed to have been detained without charge in the camps since 2017. Recent estimates are as high as three million. Reasons for detention in the camps include having relatives living abroad, accessing religious materials online, having visited certain ‘sensitive’ countries, communal religious activities, behaviour indicating ‘wrong thinking’ or ‘religious extremism’ and sometimes no reason is given at all. Individuals sent to the so-called re-education camps do not have access to legal counsel and there is no mechanism for appeal. Their families are typically not told where they are being held, or when they will be released. Inside the camps conditions are dangerously unsanitary and overcrowded; detainees are subject to beatings, sleep deprivation, forced medication and solitary confinement ... Although not all detainees are Muslim, and ethnicity appears to be the most significant factor linking the detentions, nevertheless there is a significant religious element as well.”

The Chinese government claims that the camps are vocational training centres, CSW notes in its submission, and that they are for the purposes of countering extremism. “In fact the mass incarceration of over one million individuals constitutes a human rights crisis and is now increasingly being recognised as such,” CSW argues.

According to The Rights Practice in its submission to the Commission, “it is important to note that the use of so-called vocational education and training in ‘transformation through education’ camps in the XUAR is taking place outside China’s own law and the criminal justice system despite China’s arguments that the detentions are lawful. China is trying to build a justificatory narrative of ‘de-extremification’ and counter-terrorism to secure international support for its actions in XUAR. China is particularly active at the United Nations in trying to promote its position, but it is also advancing this narrative through its Belt and Road Initiative and in forums such as the Shanghai Cooperation Organisation.”

As the Uyghur Human Rights Project notes in its submission, “eyewitness and survivor testimonies by Uyghur and Kazakh individuals ... have attested to the fact that the camps are centres for ideological education and cultural assimilation, and that authorities working in the camps have subjected internees to various forms of physical and emotional torture.”

In her written submission to the Commission, Dr Joanne Smith Finley, Reader in Chinese Studies at Newcastle University, gave the example of Abdurehim Heyit, a Uyghur singer, dutar player and “peaceful nationalist” who was reportedly detained in 2017. When Dr Smith Finley visited Xinjiang in 2018, she was told: “Some people say that he is already dead; others that he is alive. And yes, we too have heard that he was sentenced to 10 years in prison. But once someone is taken away, there is no way of knowing what has happened to them. They simply disappear.”

Dr Smith Finley recounts a conversation with a Uyghur man in Urumqi on 18 July 2018: “He confirmed he had two friends in the camps and stated: ‘People are taken for small things, not necessarily always because of religious practice. Two of my friends were taken because the police wanted to know where they had earned so much money, and simply assumed it was via criminal activities’. He confirmed that he had not heard of anyone coming out of the internment camps, except for those who fell ill: ‘Some people were given ‘medicine’ to change their thinking, ‘for their minds’. When this made them mentally ill, only then were they released.” On 16 July 2018, a Han Chinese taxi driver told Dr Smith Finley that “detainees are just there to have their thinking changed.” In her submission she quotes several other sources who share similar observations.

The World Uyghur Congress in its submission observes that “the camps operate as prisons, with razor-wire strung across the tops of high walls and no communication possible with family outside.” Confirming CSW’s description, the World Uyghur Congress notes: “Conditions in the camps are very poor, with overcrowding and squalid living spaces. In December 2017, two young Uyghurs died in custody under uncertain circumstances. A prominent Uyghur scholar and religious figure Muhammad Salih Hajim died in a camp in January 2018, another was driven to suicide in February 2018, and a teenager died under mysterious circumstances in March 2018.” In May 2018, the President of the World Uyghur Congress, Dolkun Isa, who gave oral evidence to the Conservative Party Human Rights Commission’s previous inquiry in 2016, received verified news that his mother had died in an internment camp.

One Uyghur witness who gave evidence to the Commission in an oral hearing told us that the Chinese Communist Party particularly aims to “wipe out” three categories of Uyghur: “intellectual Uyghurs, rich Uyghurs and religious Uyghurs”. She said that in her family there were relatives who fit all three categories. “Fifteen members of my entire extended family were seized and are in concentration camps or prisons,” she said. “One of them was in a concentration camp and was seriously injured due to torture, and died.” Her parents were put in a camp three years ago “for not cooperating with the Communist Party of China and for performing pilgrimage, being religious, being rich and having more children.” Her father, she told the Commission, has four brothers and two sisters. “Among them, only my youngest aunt is outside. My four uncles and one uncle’s wife have also been arrested and held in the concentration camps. My youngest uncle has two children, and when he and his wife were taken away, the regime took his children away and put them in the children’s concentration camps.”

The Conservative Party Human Rights Commission is also aware, from the evidence received in this inquiry, that the violations of human rights against the Uyghurs and others in XUAR are not confined to the prison camps. Violations of freedom of religion or belief are detailed in the earlier chapter on that thematic issue, as are examples of modern day slavery and the surveillance state in the chapters on those topics, but we also note other violations of human rights, in particular reports of the separation of children from families, harassment of and threats to Uyghurs overseas, restrictions on the Uyghur language and evidence of a campaign of forced sterilisation.

The Uyghur Human Rights Project notes in its submission to the Commission that “the Chinese government has for years engaged in a campaign of intimidation and espionage against the Uyghur diaspora around the world. This campaign has escalated since 2017.” It includes “a coordinated attempt by the Chinese government to force Uyghurs to return from overseas” and “a campaign of intimidation ... by contacting Uyghurs via phone or messaging apps such as WeChat”. The Uyghur Human Rights Project argues that “countries such as the UK should regard efforts to recruit Uyghurs to spy on other Uyghurs using threats against their families as crimes. The UK should also counter the activities of the Chinese security services and protect Uyghurs living in diaspora communities.”

According to Dr Smith Finley in her submission to the Commission, “there is a clear process of linguistic genocide (linguistic genocide) underway”. She was told by a migrant worker in Kashgar in 2016 that “Kashgar Old Town [following refurbishment] has become clean and beautiful now. Hans and Uyghurs can both live there, but a Uyghur can only live there on condition that they speak fluent Chinese.” By 2018, Dr Smith Finley notes, “a policy had emerged to erase all state documentation of the previous ‘bilingual education’ policy ... and replace it with a new ‘national language education policy’ (Mandarin Chinese only).”

A Uyghur witness who gave oral evidence in a hearing to the Commission confirmed this, noting that in schools “speaking our mother tongue, Uyghur, at school is against school rules.”

In 2020, Dr Adrian Zenz, who provided evidence to the Conservative Party Human Rights Commission’s inquiry, published a report titled *Sterilizations, IUDs, and Mandatory Birth Control: the CCP’s Campaign to Suppress Uyghur Birth Rates in Xinjiang*. The report, published by the Inter-Parliamentary Alliance on China (IPAC) and the Jamestown Foundation, states that: “Since a sweeping crackdown starting in late 2016 transformed Xinjiang into a draconian police state, witness accounts of intrusive state interference into reproductive autonomy have become ubiquitous. While state control over reproduction has long been a common part of the birth control regime in the People’s Republic of China (PRC), the situation in Xinjiang has become especially severe following a policy of mass internment initiated in early 2017.”

Dr Zenz notes that “after her release from internment, Zumrat Dawut, a Uyghur woman from Urumqi, paid a fine for having three instead of two children, and was offered free surgical sterilisation. Threatened with internment if she refused, Dawut submitted to the procedure. Mihrigul Tursun, a Uyghur mother of triplets, said that during detention she and other women were given unknown drugs and injections that caused irregular bleeding and a loss of menstruation-cycles. US doctors later determined that she had been sterilised. Rakhima Senbay, a mother of four, was forcibly fitted with an intrauterine contraceptive device (IUD) in what was said to be a routine mandatory procedure prior to her internment.”

According to Dr Zenz’s research, “natural population growth in Xinjiang has declined dramatically; growth rates fell by 84 percent in the two largest Uyghur prefectures between 2015 and 2018 and declined further in 2019. For 2020, one Uyghur region set an unprecedented near-zero population growth

target: a mere 1.55 per mille, compared to an already low 11.45 per mille in 2018. This was to be achieved through ‘family planning work’. Government documents bluntly mandate that birth control violations are punishable by extrajudicial internment in ‘training’ camps ... Documents from 2019 reveal plans for a campaign of mass female sterilisation in rural Uyghur regions, targeting 14 and 34 percent of all married women of childbearing [age] in two Uyghur counties that year. This project was implemented in all of southern Xinjiang and continued in 2020 with increased funding ... Budget figures indicate that this project had sufficient funding for performing hundreds of thousands of tubal ligation sterilisation procedures in 2019 and 2020.”

By 2019, Dr Zenz contends, Xinjiang “planned to subject at least 80 percent of women of childbearing age in the rural southern four minority prefectures to intrusive birth prevention surgeries (IUDs or sterilisations), with actual shares likely being much higher.”

Dr Zenz concludes that “these findings provide the strongest evidence yet that Beijing’s policies in Xinjiang meet one of the genocide criteria cited in the UN Convention on the Prevention and Punishment of the Crime of Genocide, namely that of Section D of Article II: “imposing measures intended to prevent births within the [targeted] group.”

In addition to Dr Zenz’s research, the Conservative Party Human Rights Commission notes other evidence reported in international media, especially the testimony of a courageous Uyghur doctor who told ITV in a report broadcast in September 2020 that she had personally conducted at least 500 to 600 operations on Uyghur women including forced contraception, forced abortion (even in the last two months of pregnancy), forced sterilisation and forced removal of wombs. On at least one occasion, she said, a baby was still moving when it was discarded into the rubbish. Others report killing babies by injection if they survive late abortion.³⁹

In regard to genocide, the Conservative Party Human Rights Commission welcomes the establishment of a new Uyghur Tribunal, an independent people's tribunal, chaired by British barrister Sir Geoffrey Nice QC, tasked with making a legal determination on this question. We further note that a subcommittee of the Parliament of Canada has already determined that the atrocity crimes perpetrated against the Uyghur do constitute genocide, and we note the remarks by the British Foreign Secretary Dominic Raab in July 2020, when he acknowledged that "gross, egregious human rights abuses are going on which are "reminiscent of something we have not seen for a very long time".⁴⁰

The Commission further notes the report of the Bar Human Rights Committee of England and Wales, on the Responsibility of States under International Law to Uyghurs and other Turkic Muslims in Xinjiang, China and urges the British government to give serious consideration to the Bar Human Rights Committee's conclusions and recommendations.⁴¹

In a letter to the Chinese ambassador in London on 20 July 2020, the President of the Board of Deputies of British Jews wrote that nobody could see the evidence and fail to note what she describes as "similarities between what is alleged to be happening in the People's Republic of China today and what happened in Nazi Germany 75 years ago: People being forcibly loaded on to trains; beards of religious men being trimmed; women being sterilised; and the grim spectre of concentration camps."⁴²

Similarly, the late former Chief Rabbi Lord Sacks spoke out against the atrocities suffered by the Uyghur people, when he said: "As a Jew, knowing our history, the sight of people being shaven headed, lined up, boarded onto trains, and sent to concentration camps is particularly harrowing. That people in the 21st century are being murdered, terrorised, victimised, intimidated and robbed of their liberties because of the way they worship God is a moral outrage, a political scandal and a desecration of faith itself."

When the Jewish community is drawing rare comparisons with the Holocaust, it is time for the international community to wake up and take the reports of atrocity crimes and other serious human rights violations in XUAR summarised in this report and elsewhere extremely seriously and with the utmost urgency.

³⁸ "China has launched a massive campaign of cultural extermination against the Uighurs," Washington Post, 7 January 2019 - https://www.washingtonpost.com/opinions/global-opinions/china-has-launched-a-massive-campaign-of-cultural-extermination-against-the-uighurs/2019/01/07/efe03c9c-12a4-11e9-b6ad-9cfd62dbb0a8_story.html

³⁹ "Uighur doctor tells ITV news of disturbing testimonies of 'forced abortions and removal of wombs' in China", Emma Murphy, 2 September 2020, ITV - <https://www.itv.com/news/2020-09-02/uighur-doctor-tells-itv-news-of-disturbing-testimonies-of-forced-abortions-and-removal-of-wombs>

⁴⁰ BBC, The Andrew Marr Show, 19 July 2020 - <https://www.bbc.co.uk/programmes/p08l7syz>

⁴¹ "BHRC publishes new report outlining the responsibility of states under international law to Uyghurs and other Turkic Muslims in Xinjiang, China," 22 July 2020 - <https://www.barhumanrights.org.uk/bhrc-publishes-new-report-outlining-the-responsibility-of-states-under-international-law-to-uyghurs-and-other-turkic-muslims-in-xinjiang-china/>

⁴² "Board of Deputies President writes to Chinese Ambassador citing 'similarities' between Chinese treatment of Uyghurs and Nazi atrocities," 20 July 2020 - <https://www.bod.org.uk/board-of-deputies-president-writes-to-chinese->

Tibet

*“There are cameras observing every house ... There are no human rights in Tibet”
– Professor Dibyesh Anand, Head of the School of Social Sciences, University of Westminster*



Summary

- Repression in Tibet has intensified
- Torture and ill-treatment are widespread and continue with impunity
- Images of the Dalai Lama and the Tibetan flag are banned
- “There are more foreign journalists in North Korea than Tibet”, according to Tibet Post International
- Reporters Without Borders list Tibet 176 out of 180 in its Press Freedom Index
- Freedom House lists Tibet as among the worst in the world, with the lowest score for civil and political rights
- Thousands of homes have been destroyed in the Buddhist communities of Larung Gar and Yarchen Gar
- Restrictions on the use of Tibetan language create discrimination
- As the world focuses on Uyghurs and Hong Kong, it is vital we do not forget Tibet

Repression in Tibet has continued and intensified over the past four years since the Conservative Party Human Rights Commission's last inquiry, resulting in further arrests of Tibetan activists, monks and nuns, and severe restrictions on freedom of expression, freedom of religion or belief and other human rights. According to Tibet Post International in its submission to the Commission, "every aspect of Tibetan life is under siege and Tibetans have even fewer civil and political rights than Chinese people also ruled by the Communist Party. The regime enforces its control over every aspect through the threat and use of arbitrary punishments, at times including severe violence. Any act deemed to threaten its rule ... becomes a criminal offence."

Free Tibet and Tibet Watch note in their joint written submission to the Conservative Party Human Rights Commission's current inquiry that the Chinese Communist Party (CCP) "has introduced massive changes to Tibet in the past five years, from forcibly relocating Tibetans from their pastures or religious communities to tightening security to clamping down on religion, Tibetan culture and the use of the Tibetan language."

Policies introduced between 2011 and 2016 by the then Party Secretary in Tibet, Chen Quanguo, in the name of maintaining "stability", have continued, according to Free Tibet and Tibet Watch in their submission. Chen Quanguo "drastically stepped up the spending on and recruitment of security personnel and imposed unprecedented surveillance measures" during his time in Tibet, and these have remained in force. It should be noted that Chen Quanguo was appointed Party Secretary of the Xinjiang Uyghur Autonomous Region (XUAR) in 2016, where he has replicated these strategies on an even larger scale.

As a consequence of the heavy surveillance and security apparatus imposed on Tibet by Chen Quanguo, Tibet remains, in the words of Free Tibet and Tibet Watch in their joint submission to our inquiry, "inhospitable for those considering challenging the CCP, be it through a protest or by writing a weblog criticising decisions made by the Party." Tibet Post International notes in their submission that Tibet is ranked 176 out of 180 countries in its Press Freedom Index by Reporters Without Borders, and among the worst in the 'Freedom in the World' survey by Freedom House, scoring the lowest possible score for civil and political rights.

Professor Dibyesh Anand, Head of the School of Social Sciences at the University of Westminster and an expert on Tibet, told the Conservative Party Human Rights Commission in an oral hearing that heavy surveillance prevents organized protest, as there are "cameras observing every house". As a consequence, "self-immolations" continue "because other gatherings are not allowed". Yet news of self-immolations is often suppressed, he said, and the entire village is typically punished when an incident occurs. Human Rights Watch notes in its submission that since 2009, 155 Tibetans have self-immolated. In November and December 2018, two young men in the Ngawa Tibetan region of Sichuan set themselves on fire in protest at the Chinese government. Tibet Post International detail other self-immolations in their submission.

"There are more foreign journalists in North Korea than Tibet," Tibet Post International note in their submission to the Commission. "Tibetans in Tibet reported receiving official warnings after using their cell phones to exchange what the government deemed to be sensitive information. During the recent years' annual traditional ceremonies or festivals almost all areas of Tibet, particularly the capital Lhasa, remain[ed] under virtual martial law."

A new three-year campaign against “criminal gangs” was launched by the CCP Central Committee and State Council on 24 January 2018, and on 7 February 2018 the Tibet Autonomous Region (TAR) Public Security Bureau released a notification providing 22 examples of organised crime, according to Free Tibet and Tibet Watch’s submission. Some were legitimate criminal offences such as the crimes of extortion, blackmail or prostitution, but some were crimes which Free Tibet and Tibet Watch believe were clearly “targeting Tibetans who carried out peaceful advocacy for environmental protection and other activities that are integral to Tibetans’ religion and culture”. The notification also included offences which, according to Free Tibet and Tibet Watch, “more generally contravened Tibetans’ right to freedom of expression, association and assembly and their right to cultural life”, including the vaguely defined crime of “using religion to control, to confuse, to incite or coerce the masses to resist the Party and government” and “instilling the masses with reactionary ideology and narrow nationalism”. Throughout 2018 further notifications of this kind were issued throughout Tibet, Free Tibet and Tibet Watch note, and by the end of 2019 “information from official sources or information that was smuggled out of Tibet suggested that at least 400 Tibetans had been arrested under this campaign.”

Since 2016, according to Free Tibet and Tibet Watch’s submission, “Free Tibet has recorded scores of arrests of Tibetan community activists, solo protesters, nomads, monks and nuns.” Tibet Post International reports in its submission that “between May 2016 to May 2020 roughly over 1,133 Tibetans [have been] either arrested, arbitrarily detained, imprisoned, tortured to death in custody.” Key political prisoners during this period include the writer Lomig, the language advocate Tashi Wangchuk and the nomadic community leader and anti-corruption activist A-Nya Sengdra, Free Tibet and Tibet Watch note.

Those who have attempted to protest are, Free Tibet and Tibet Watch note in their submission, “beaten, arrested and detained”.

Many of those arrested have staged “spontaneous individual protests, a form of protest indicative of Tibetans’ inability to gather in large groups or organise due to the extensive security and surveillance infrastructure across Tibet.” These include the arrest of Tenpa, an 18 year-old monk, who was seized by ten Chinese police officers during a solo protest in December 2016. According to Free Tibet and Tibet Watch, “he marched through the main street in Ngaba, eastern Tibet, carrying a Tibetan flag and a picture of the Dalai Lama while shouting slogans calling for freedom and the Dalai Lama’s return to Tibet and for freedom in Tibet. He was seized five minutes into his protest”. Dugbey, a caretaker and mother of two, was arrested in March 2017 after she staged a solo protest in Rari Township, Ngaba. Lodoe Gyatso was arrested in January 2018 after he released a video online in which he called for a free Tibet and world peace before protesting outside the Potala Palace in Lhasa. He was subsequently sentenced to 18 years in prison in what Free Tibet and Tibet Watch describe as a “secret trial”.

On 20 September 2019 six Tibetans – Tsegyal, Yangphei, Dudul Lhagyay, Norsang, Shewang Namgyal and Sithar Wangyal – were arrested in Tarchen Township, Nagchu, central Tibet after refusing to participate in official events to mark the 70th anniversary of the People’s Republic of China, Free Tibet and Tibet Watch report in their submission.

On 7 November 2019 four Tibetan monks were arrested in Sershul County, according to Tibet Post International in their submission, accused of distributing leaflets promoting Tibetan independence. A 15 year-old monk called Nyimey was arrested on 18 November 2019, for allegedly writing articles in support of the four monks, according to Tibet Post International.

Other Tibetans have been arrested for online or written dissent, including Sonam, a master’s degree student at Minzu University in Lanzhou, who was arrested in 2019 after he wrote an essay for his civil service entrance

exam that, according to Free Tibet and Tibet Watch in their submission, “criticised the falling number of government job opportunities for Tibetans”. His work had been posted on social media and “went viral on a range of platforms including WeChat”. The Tibetan writer Jo Lobsang Jamyang, also known as ‘Lomig’, was sentenced to seven and a half years in prison on 9 May 2016, Free Tibet and Tibet Watch report. He was convicted of “sharing government secrets and attempting to divide the nation” in a closed trial in Chengdu.

The police and security forces also target Tibetans who express their Tibetan identity in ways that the authorities disapprove of, according to Free Tibet and Tibet Watch, such as “suggesting that Tibet is culturally distinct from China”. Images of the Dalai Lama and the Tibetan flag are banned. In March 2017, Gendun, from Serstui County in Kardze, was severely beaten and arrested for sharing pictures of the Dalai Lama and the Tibetan national flag on Wechat, and on 8 March 2019 Wangchuk was detained in Zurtso Township in Shigatse, central Tibet, after sharing books about the Dalai Lama’s teachings on WeChat. According to Free Tibet and Tibet Watch, “following his arrest, Wangchuk’s family were harassed by authorities, who imposed surveillance measures on them and restrictions on their freedom of movement. The family’s welfare benefits, including subsidies and old-age insurance, were also cut.”

Tibetans arrested for protest or dissent are, according to Free Tibet and Tibet Watch, typically charged with state security crimes such as “splittism”, “inciting separatism” or “sharing state secrets”. Under the Chinese Criminal Procedure Law, Free Tibet and Tibet Watch note, those accused of state security crimes have no right to a lawyer or an open trial and can be detained indefinitely in an undisclosed location. This means that the family may not receive any notification about the detention. “Evidence collected during the investigation process for criminal cases related to state security is kept undisclosed, complicating any attempts for Tibetans to seek redress,” Free Tibet and Tibet Watch add.

Torture and mistreatment continue with impunity. According to Free Tibet and Tibet Watch in their submission, “there were several recorded cases of Tibetans having necessary medical treatment withheld in prison and continuing to be denied such treatment following their release. In some cases, this directly resulted in deaths.” For example, Gendun Sherab, a monk from Sog County, central Tibet, died on 18 April 2020. He had been arrested in Lhasa in 2017 after sharing a message from the Dalai Lama on WeChat. He spent three months in prison where, according to Free Tibet and Tibet Watch, “he was severely beaten”. Upon his release he was “blacklisted from accessing various health facilities in Lhasa, depriving him of the medication he needed”.

On 11 March 2016, Tashi, a Tibetan man in his thirties, committed suicide in a police detention centre in Markham County. Free Tibet and Tibet Watch note in their submission that “during his time in detention he was severely beaten and tortured which, according to Tibetan exile sources, was so unbearable he committed suicide.”

On 20 July 2016, according to Free Tibet and Tibet Watch, Yudrug Nyima from Derge County in Kardze died after being “severely beaten in police custody”.

On 16 March 2017, Lobsang Dhargay, a monk from Kirti Monastery, was arrested at the scene of a solo protest in Ngaba, according to Free Tibet and Tibet Watch, and detained in an army camp, where he was “severely beaten and tortured, leaving him in a critical condition.”

Grave violations of freedom of religion or belief continue, and these are documented in more detail in the thematic chapter on this topic. Related to this, however, is the mass scale destruction of homes and forced removal of people from their areas. For example, according to Free Tibet and Tibet Watch, the CCP’s campaigns to overhaul the Buddhist communities of Larung Gar, in Serthar County and Yarchen Gar, in Palyul County in eastern Tibet, have been “drastically escalated” in the

past four years. Between July 2016 and May 2017, 4,828 residents were removed from Larung Gar and 4,725 buildings demolished. “Those who were removed were required to sign documents stating that they would not return to Larung Gar,” Free Tibet and Tibet Watch report. “They were then driven by coach to their native regions of Tibet, which for some residents included locations such as Lhasa, over 1,700 kilometres away. These former residents were not permitted to join new monasteries and nunneries upon returning to their native regions, and in at least some cases were subjected to patriotic re-education or humiliating performances in which they would have to dance in front of an audience of party members in their religious robes or sing Chinese patriotic songs.”

Three nuns from Larung Gar committed suicide in protest at the demolitions in the summer of 2016, according to Free Tibet and Tibet Watch. In 2017, six United Nations special rapporteurs wrote to the Chinese government to express their concern about the demolitions, removals and other restrictions, noting that such actions violated residents’ rights to an adequate standard of living and right to take part in cultural life.

A similar situation developed in Yarchen Gar, where in 2018 at least 3,500 homes were torn down. Free Tibet and Tibet Watch note that “residents were instructed to dismantle their houses themselves”. A further “large wave of housing demolitions” was carried out in 2019. “Satellite images commissioned by Free Tibet showed that just under half of the western side of the site, where Yarchen Gar’s nuns live, had been levelled,” Free Tibet and Tibet Watch note. “Local sources stated that around 7,000 people were forcibly removed from Yarchen Gar in 2019 ... At least some of the residents who were removed in 2019 were held in internment facilities and subjected to patriotic re-education before being released.”

Forced removals have taken place in other parts of Tibet as well. Between 2018 and 2019, around 400 Tibetan families from Gonjo County and Markham County in Chamdo were forcibly relocated to counties in Shannan and Lhasa “under the pretext of ‘poverty alleviation,’” Free Tibet and Tibet Watch report. No compensation was provided. In April 2020, villagers in Rebkong, eastern Tibet, were notified that their land would be confiscated to allow for the construction of the Xining-Chengdu express railway.

Restrictions on the use of Tibetan language is another major concern. “Mandarin is the official language for communications, the predominant language of instruction in public schools in many Tibetan areas and is used in courses for jobs that require technical skills and qualifications,” Free Tibet and Tibet Watch note in their submission. “State institutions, banks and hospitals frequently lack Tibetan language signage and forms and documents are often only in Mandarin. There is limited access to Tibetan language instruction and textbooks through Tibet’s primary, middle, high schools and colleges.” This absence of Tibetan language resources in key areas of society has, Free Tibet and Tibet Watch argue, “led to Tibetans being excluded from key areas of everyday life”. In January 2018, 180 Tibetans petitioned the People’s Supreme Court of China to raise concerns over the absence of Tibetan language on the official websites of courts. Free Tibet and Tibet Watch note in their submission that instead of responding to concern expressed by Tibetans, or indeed interventions made by the United Nations Committee on the Elimination of Racial Discrimination in 2018, about the restrictions on Tibetan language, on 11 January 2020, the 11th People’s Congress of the TAR adopted Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region, more widely known as the Ethnic Unity Law. The stated aim of the law, established in Article 3, is “safeguarding oneness of the motherland, strengthening ethnic unity, and taking an unambiguous stand against separatism are common responsibilities of all people from all ethnic groups.” The regulations contain a series of punitive measures, targeting individuals

found to be undermining ethnic unity by 'spreading rumours', 'producing information' or 'holding a stubborn or determined attitude'. The law came into effect on 1 May 2020.

As international attention increasingly focuses on the atrocity crimes against the Uyghurs, the destruction of freedoms and autonomy in Hong Kong and violations of freedom of religion or belief against Christians in China, there is a danger that Tibet could get forgotten. The Conservative Party Human Rights Commission believes it is vital that this does not happen, and that the egregious human rights violations in Tibet receive the attention they deserve, in themselves and as part of an increased focus on all the human rights violations committed by the Chinese Communist Party regime. The Conservative Party Human Rights Commission urges the British government to explicitly support the right of Tibetans to free speech and full freedom of religion or belief. Furthermore, we encourage the British government to make Tibet a specific agenda item in all UK-China Human Rights Dialogues, and to press the Chinese government for access to Tibet for British diplomats, journalists and Non-Governmental Organisations (NGOs). The British government should urge the Chinese government to publicly disclose the location of all Tibetan political prisoners and the reasons for their detention, to ensure an end to torture and ill-treatment of Tibetans in prison, to guarantee access to lawyers, medical treatment and family members for all prisoners held in Tibet, to implement all the recommendations that China accepted at its Universal Periodic Review at the United Nations Human Rights Council in 2018, and recommendations issued by the Committee Against Torture in 2015 and the Committee for the Elimination of Racial Discrimination in 2018. We encourage the British government also to press China to provide unrestricted access to Tibet for the UN High Commissioner for Human Rights and the UN Special Rapporteur on Torture.

It is clear from the evidence received in this inquiry that, as Professor Anand of the University of Westminster put it in his oral testimony to the Commission, "there are no human rights in Tibet".

Hong Kong

"We have been dismayed to see how the fear of the police knock on the door in the middle of the night is no longer limited to the mainland of China, but is now a reality in the Special Administrative Region"

– The Rights Practice



Summary

- The imposition of the draconian national security law, fast-tracked through the National People's Congress, with no scrutiny, debate or accountability, and containing severe restrictions on basic freedoms, represents a grave violation of the Sino-British Joint Declaration and the dismantling of Hong Kong's promised freedoms, human rights, the rule of law and autonomy
- The arrest of many pro-democracy activists creates a chill factor for the democracy movement
- Press freedom and academic freedom are under assault
- Humanitarian aid workers, human rights monitors and journalists have been arrested and violently attacked by the police
- Police brutality is persistent, widespread, systematic and with impunity
- An estimated 10, 148 protesters have been arrested, with more than 2,300 charges
- UN Special Rapporteurs have expressed concerns about human rights violations, including the arrest of medics and the use of tear gas "in closed spaces, in close vicinity of schools ... 88% of Hong Kong's population may have been affected by the use of tear gas."

This inquiry took place against the backdrop of the dramatic erosion, and ultimately rapid dismantling, of Hong Kong's basic freedoms, the rule of law and autonomy, the destruction of the "one country, two systems" principle upon which Hong Kong was handed over to China in 1997, in serious breach of the Sino-British Joint Declaration, an international treaty registered at the United Nations and valid for the first fifty years after the handover, until 2047.

From the evidence received by the Conservative Party Human Rights Commission in the course of this inquiry, and media reports and Parliamentary debates focused on events in Hong Kong over the past 18 months, the Commission is in no doubt that the Chinese and Hong Kong authorities have committed serious violations of human rights in Hong Kong.

Since our 2016 inquiry, the Commission has met, on several occasions, with prominent pro-democracy activists from Hong Kong, including, among others, the father of the democracy movement and founder of the Democratic Party Martin Lee, Joshua Wong (who is now in prison, serving a sentence of 13.5 months for organizing and inciting an unauthorized assembly in 2019), Jimmy Lai (now in prison facing charges under the national security law), Nathan Law (now in exile), Benny Tai, former Chief Secretary Anson Chan, Joey Siu, Sunny Cheung and other representatives of the Hong Kong Higher Institutions International Affairs Delegation.

The imposition of the new national security law, fast-tracked by the National People's Congress with no transparency, accountability or debate, occurred after the conclusion of this Commission's hearings and evidence-gathering, but obviously requires significant reference in this report. The national security law shreds whatever remained of Hong Kong's freedoms, making it a criminal offence to engage in activities that may be regarded, however vaguely defined, as "secession", "subversion", "terrorism" or "collusion" with foreign political entities. It also includes an extraterritorial clause, in effect meaning that

anyone, anywhere in the world, could be in violation of Hong Kong's national security law regardless of whether they are committing acts in Hong Kong or as a Hong Kong resident. That, accompanied by the threat of lengthy prison sentences, the creation of a new National Security Commission chaired by the Hong Kong Chief Executive to appoint judges to hear national security cases and the presence of mainland Chinese security officials in Hong Kong officially for the first time with powers to enforce the law has created a chilling effect. Subsequent arrests, the raid by over 200 police officers of the newsroom of Hong Kong's only mass circulation Chinese language pro-democracy newspaper, the Apple Daily, the postponement of elections for the Legislative Council for an entire year under the pretext of the COVID-19 pandemic, the disqualification of four Hong Kong pro-democracy legislators from the Legislative Council and the resulting resignation of all other pro-democracy legislators, effectively removing from the legislature any opposition and rendering it a pro-Beijing rubber stamp institution, have been further landmark events indicating the demise of Hong Kong's freedoms and autonomy.

In a supplementary written submission to the Conservative Party Human Rights Commission shortly before the publication of this report, Hong Kong Watch said that "the scope of Beijing's plans for the National Security Law are now clear. This is a constitutional coup. The safeguards which have historically defended human rights in Hong Kong have been shattered. Rule of law has been replaced with rule by law – and the Communist Party's word is law. The new status quo has seen many young people arrested, including prominent activists like Joshua Wong. We are seeing the screening out of opposition lawmakers. The Foreign Secretary was right to declare that the disqualification of Hong Kong lawmakers was a breach of the Sino-British Joint Declaration. Hong Kongers are permanently disenfranchised. The purge is not limited to politics. Benny Tai, a notable legal academic, has been fired from Hong Kong University for his involvement in protests. Libraries have been screened, and books placed under review. Banks have started scrutinising their clients for

pro-democracy ties. Businesses are being told that pro-protest posters violate the National Security Law. Technology firms face being forced to hand data over to the Hong Kong police ... For Hong Kongers, this confirms their worst fears. Many will now be looking at their options: some will stay and continue to stand for freedom in the city they love, others will be looking for a way out. The path is costly for both groups. Britain must be ready to welcome Hong Kongers who decide to seek a way out. While the UK government has offered three million Hong Kong residents a path to citizenship, visa fees proposed by the Home Office are exorbitant and should be removed ... Sanctions should now be implemented.”

While the situation has deteriorated very rapidly in the second half of 2020, it is important to consider the events detailed in evidence to the Conservative Party Human Rights Commission which indicate the trajectory that Hong Kong has been on since our previous inquiry in 2016.

As Hong Kong Watch stated in its written submission to the Conservative Party Human Rights Commission, over the past four years “we have witnessed increasing erosion of the rule of law and the freedoms that Hong Kong enjoy[ed] under the ‘One Country, Two Systems’ model”.

The Democratic Party of Hong Kong agrees, noting in its submission to the Commission that “since 2016, Hong Kong’s human rights and freedoms have been eroded with unimaginable speed, especially after the latter half of 2019 when Hong Kong people protested against the now-withdrawn extradition bill and fought for a more democratic government.”

Stand With Hong Kong, in its written submission to the Commission, note that on 30 June 2017 the Chinese Foreign Ministry spokesperson Lu Kang signalled China’s attitude when he said that “the Sino-British Joint Declaration, as a historical document, no longer has any practical significance, and does not have any binding effect on the Chinese central government’s management of Hong Kong.” The United Kingdom government

made clear its strong disagreement with this statement.

According to Hong Kong Watch, in their submission to the Commission, some of the key incidences in recent years that illustrate the increasing erosion of Hong Kong’s freedoms include “the abduction of five book sellers from Causeway Bay Books in 2015 from Hong Kong to the mainland by Chinese agents, which led to the sentencing this year of Gui Minhai to ten years in prison for allegedly ‘illegally providing intelligence overseas’; the disqualification and political screening of candidates for Legislative and District Council elections in Hong Kong in 2016, 2018 and 2019, and continued threats from the Hong Kong and Macau Office of further disqualifications.”

Professor Victoria Tin-bor Hui, Associate Professor in Political Science at the University of Notre Dame, highlighted in her submission the imprisonment of many leaders of the 2014 Umbrella Movement, during the period 2017-2019. “In August 2017, the Court of Appeal handed down jail terms of six to eight months for student leaders Joshua Wong, Nathan Law (also one of the disqualified legislators) and Alex Chow. By April 2019, Benny Tai and eight more Umbrella leaders were also handed down prison sentences of up to 16 months for conspiracy to cause public nuisance, inciting others to cause public nuisance, and inciting people to incite others to cause public nuisance.”

Professor Hui also cites threats to academic freedom, noting in her submission that “as universities had become hotbeds of dissent, the Chief Executive stacked university councils with pro-regime appointees, who would then duly appoint the ‘right’ candidates to top positions. In secondary schools, patriotic education was re-introduced in piecemeal fashion.”

Other developments, according to Professor Hui, are “no less disconcerting”, such as the “abduction of Xiao Jianhua, a businessman with close ties to China’s political elite, from the Four Seasons Hotel on 27 January 2017,” she notes in her submission.

“In September 2018, the Hong Kong government ceded to Mainland jurisdiction parts of the West Kowloon high-speed railway terminal,” Professor Hui reports in her submission to the Commission. As a result, she adds, “Hong Kong residents have since been arrested in the Mainland area of the station and taken across the border.”

One Hong Kong resident who was arrested on 8 August 2019 at the West Kowloon high-speed railway terminal under the ‘co-location’ principle which Professor Hui describes above was British Consulate-General employee Simon Cheng, returning to Hong Kong after a business visit to Shenzhen.

Mr Cheng gave evidence to the Conservative Party Human Rights Commission both in an oral hearing and as a written submission. He told the Commission: “I had heard rumours that Hong Kongers would be targeted at border checkpoints for examinations of cell-phone for evidence of attendance or support of the protests. I arranged with my girlfriend and friends that I would keep reporting my whereabouts and safety. I was stopped while I was passing through the border from [the] mainland within Hong Kong West Kowloon Highspeed Railway Station, after I took the high-speed train from Shenzhen Futian Railway Station. The uniformed police wore tiny cameras on their shoulders and started to film me ... The uniformed police claimed they stopped me because of the order instructed by senior officials ... They asked for the passcode to access my iPhone. I refused because it is a work phone which contains sensitive work information and private conversations ... From this police station I was sent to Shenzhen by high-speed train and handed over to plainclothes police officers. I later learned they are from the State Security Bureau (the political/secret police).” The rest of Mr Cheng’s evidence is recounted in the chapter on torture, but it was important to reference his case in this context in this chapter as well.

The banning of the pro-independence Hong Kong National Party in September 2018, and the expulsion from Hong Kong of the Asia News Editor of the *Financial Times*, Victor Mallet, simply for hosting a talk by the Hong Kong National Party’s founder Andy Chan at the Foreign Correspondents Club, are also cited by Professor Hui in her submission as further illustrations of the erosion of Hong Kong’s freedoms and human rights since 2016.

The Conservative Party Human Rights Commission also wishes to note the decision by the Hong Kong government, under orders from Beijing, to deny entry to the Commission’s own deputy chair Benedict Rogers, a former Hong Kong resident, who attempted to make a private visit to the territory in October 2017. The incident was raised in both Houses of Parliament, and the Foreign Secretary at the time issued the following statement: “I am very concerned that a UK national has been denied entry to Hong Kong. The British government will be seeking an urgent explanation from the Hong Kong authorities and from the Chinese government. Hong Kong’s high degree of autonomy, and its rights and freedoms, are central to its way of life and should be fully respected.”⁴³

The Commission further notes that other foreign activists and journalists have been refused entry to Hong Kong subsequently, including the Executive Director of Human Rights Watch, Kenneth Roth, in January 2020.⁴⁴

The major turning point for Hong Kong, however, was the introduction by the Hong Kong Government of an Extradition Bill in 2019. Hong Kong Watch notes in its written submission to the Commission that “this would have allowed Hong Kong citizens to be extradited to mainland China without providing proper safeguards to stop them facing unjust trials”.

The proposed bill was widely opposed by Hong Kong's legal sector, chambers of commerce, other professional groups and strong representations were made by the United States, the United Kingdom, Canada, Australia, the European Union and others. As Hong Kong Watch notes in its submission to the Commission, the bill resulted in "the most tumultuous development in Hong Kong" since the Commission's 2016 inquiry, including "mass demonstrations for six months from June 2019 to the end of the year, with these city-wide protests only being paused in the face of the spread of COVID-19".

As Hong Kong Watch notes in its written submission to the Commission, "since the start of the protests in early June 2019, the excessive use of force by the police has been regularly cited as a serious issue of concern by the international community and a driving force behind the continued protests in Hong Kong. Throughout this period of large-scale protests there were routinely scenes of children and young people being severely beaten, and of rubber bullets being fired into people's faces. These are acts which any ballistics expert would confirm presents a serious risk of injury or death, and which therefore is a serious violation of international standards."

Rights Exposure confirms this in its written submission to the Commission, stating that "according to credible reports by local and international human rights organisations, including the United Nations Office of the High Commissioner for Human Rights, police responded to the protests with indiscriminate and excessive force resulting in human rights violations, including restrictions on the right to peaceful assembly, arbitrary arrest and injuries, some amounting to ill-treatment. The majority of arrests and injuries have occurred at the scene of protests, however, there have also been alarming reports of the ill-treatment of arrested protestors inside detention facilities in Hong Kong."

According to Rights Exposure in its written submission, "the police have increasingly refused to grant letters of no objection for assemblies, thus criminalising anyone who

subsequently exercises their right to peaceful assembly. Where permission has been granted, a worrying pattern has emerged where permission for the assembly is withdrawn during the event and mass arrests subsequently take place."

Rights Exposure notes that "as of February 2020, over 7,000 people had been arrested and over 1,000 charged with offences". The current figure at the time of writing this report is 10,148, with more than 2,300 charged.⁴⁵

The Hong Kong Journalists' Association and Foreign Correspondent's Club of Hong Kong have regularly raised concerns about the arrest and intimidation of journalists, according to Hong Kong Watch's submission to the Commission, "including Hong Kong Police firing tear gas or pepper spray directly at journalists".

Dr Darren Mann, an experienced British surgeon working in Hong Kong, reported in his written submission to the Commission that "there have been widely publicized and shocking instances in which large numbers of humanitarian healthcare workers have been arrested, handcuffed with zip-cords and arrayed as so many terrorists – most in the vicinity of violent confrontations, but in selected instances whilst in the course of performing their duties. Professional medical sector workers are able to prove their identification and qualifications – and yet they have been arrested by police, accused of taking part in a riot, detained for 24 hours and released on police bail pending possible charges."

The Democratic Party of Hong Kong confirm this in its submission, noting that "the police interfered with the work of first-aid volunteers on protest sites by pushing them away. There were also cases where first-aid volunteers were arrested. ... There were many reports of first-aid volunteers being stopped by the police from offering help to wounded protesters, including the case on 31 August 2019 at Prince Edward Mass Transit Railway System. Many first-aid volunteers were arrested during the protests."

In February 2020, the United Nations Special Rapporteur on the right to physical and mental health, the Special Rapporteur on the right to freedom of peaceful assembly and association, the Special Rapporteur on the right to privacy and the Working Group on Arbitrary Detention issued a letter to the Chinese government, detailing evidence of the harassment, intimidation and arrest of healthcare workers in Hong Kong during the protests last year, and highlighting “the misuse of healthcare transport, facilities and confidential information”.⁴⁶

The four UN Special Procedures cite reports that “large numbers of healthcare workers have been arrested and hand-cuffed with zip-cords either in the vicinity of violent confrontations or in the course of performing their legitimate healthcare duties” and that even when they provided identification as healthcare workers, they were reportedly arrested by police for “taking part in a riot” and detained for 24 hours with no access to a lawyer before being released on police bail pending charges.

The experts also claim that “based on reports received, police have hindered healthcare staff at public hospitals when they perform their legitimate health duties, insisting on being present when doctors privately consult with patients, including in delivery rooms, and attempting to enter operating rooms when persons suspected to have participated in protests are due for surgery.”

Hospitals are allegedly “often patrolled by police units in full riot gear, bearing shields, batons and fire-arms loaded with beanbag rounds and rubber bullets,” they note. In addition, healthcare workers have reportedly been threatened with disciplinary action by the Public Hospital Authority in Hong Kong.

In further shocking claims, the UN experts report that “undercover police officers have allegedly impersonated first-aiders to arrest injured protesters”.

The acts outlined in their letter to the Chinese government would, the experts claim, “contravene article 3 of the Universal Declaration of Human Rights (UDHR) which guarantee the right of every individual to life, liberty and security”. They also violate the right to peaceful assembly set out in article 20 of the UDHR, and the right to the highest attainable standard of physical and mental health guaranteed by article 12 of the International Covenant on Economic, Social and Cultural Rights, which China has ratified.

“The right to health is an inclusive right extending not only to timely and appropriate healthcare but also to other important aspects: it is closely related and dependent upon the realisation of other human rights, including non-discrimination, equality and the freedoms of association, peaceful assembly and movement,” the experts conclude.

This follows a previous intervention in January 2020, when the United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the rights to freedom of peaceful assembly and of association wrote to the Chinese government expressing concern about “the allegedly inappropriate use of chemical agents during demonstrations from June to December of 2019 in Hong Kong. These agents include hazardous substances such as tear gas, pepper spray, pepper balls and irritating chemical constituents dispersed from water cannons and other mobile sprayers against protestors, journalists, human rights defenders, social workers, volunteer medics and other humanitarian workers ... The allegations include the use of these chemical agents in the densely populated city of Hong Kong, in closed spaces, in close vicinity of schools, kindergartens and institutions housing sensitive segments of the population ... According to some estimates, 88% of Hong Kong’s population may have been affected by the use of tear gas.”⁴⁷ The UN Special Rapporteurs note that they “have reasons to believe that tear gas, pepper spray and other

chemical agents have been used indiscriminately, unnecessarily and disproportionately, in violation of international and Hong Kong principles on the use of force. We also have reasons to believe that many canisters of tear gas have been used in an uncontrolled and allegedly malicious manner.”

The Conservative Party Human Rights Commission also notes the report of the All Party Parliamentary Group (APPG) on Hong Kong, *The Shrinking Safe Space for Humanitarian Aid Workers in Hong Kong*,⁴⁸ which followed a specific inquiry into violations of human rights and humanitarian principles by the Hong Kong Police Force (HKPF). The APPG’s report concludes that “humanitarian aid workers have been subjected to a variety of treatment that fell short of international humanitarian law and principles, international human rights and the Sino-British Joint Declaration. Treatment aid workers were subjected to included intimidation, harassment, threats physical violence and arrests. Among humanitarian aid workers, first-aiders appear to have been the main group subjected to such treatment. However, doctors and nurses also received treatment that fell short of international human rights law. This treatment has had a profound effect on the humanitarian aid workers who have suffered physical and psychological injuries. This treatment has affected their ability to provide medical assistance to injured protesters. The HKPF’s treatment of humanitarian aid workers and their interference within hospitals have resulted in injured protesters not receiving the required medical care in time or at all. These actions may also have affected the medical care of the population in general, as a result of the hospitals’ independence and confidentiality being diminished by the ever-growing interference from the HKPF.”

The APPG’s report, and the two UN letters, confirm Dr Mann’s observation in his written submission to the Conservative Party Human Rights Commission, in which he notes that “the humanitarian climate in Hong Kong is rapidly cooling, and the space for the work of humanitarian and healthcare workers – and

their legitimate expressions for political participation – is shrinking. These chilling constraints are manifest in the wider healthcare sector by Government sanctioned conduct against health care infrastructure, organisations, professional groups and individuals: and sublimated to impact on the general public.”

According to Dr Mann in his written submission to the Commission, “individuals injured in any circumstance that might be regarded as anti-government protest activity no longer have faith in the 999 emergency call system – there is appreciation that this is monitored through the police switchboard, and calls for an ambulance risk arrival of a police squad car first and/or the danger of arrest within the ambulance (which has been reliably reported).”

Dr Mann further reports in his submission that “police have undermined confidence in patient confidentiality by the exercise of magistrate-issued search warrants of patients’ records in hospitals”. Furthermore, he adds, “police have hindered hospital staff in the performance of their duties, have insisted on being present with doctors when they were consulting with patients and have even attempted to enter operating theatres to accompany persons of interest who were due to have surgical operations. Intimidatory patrolling of hospitals by formations of police in full riot gear and bearing fire-arms at the ready has caused widespread fear amongst the public.”

In addition, Dr Mann notes, “within the Hospital Authority, doctors appear to be under pressure not to acknowledge injury as having been caused or attributable to police, and hospital discharge summaries can be misleadingly vague – for example, an instance of a rubber-bullet shooting causing severe permanent disability was given a diagnostic code of ‘blunt injury, mechanism not specified.’”

The authorities’ handling of the COVID-19 pandemic, and medical professionals’ freedom of expression in regard to it, has also been politicised. According to Dr Mann in his

submission to the Commission, a strike by an estimated 7,000 healthcare workers in February 2020 demanding that the government close the land border between China and Hong Kong and ensure an adequate supply of personal protective equipment (PPE) for health sector workers resulted in a letter from the Hospital Authority which was “widely regarded as a form of intimidation, ostensibly threatening future retributive measures against those health sector workers who had participated in the union strike.” Furthermore, Dr Mann notes, “medical professional commentary on the wisdom of mass screening for COVID-19 infection has been dismissed by the Government as political subversion, but there are real fears that the data collected will be used for social control through the proposed China Health Code.”

The national security law, Dr Mann observes in his submission, could also be applied to the health care sector in that it “now criminalises the provision of impartial medical care by humanitarian volunteers – equating the basic civil good of healthcare with subversion and the aiding and abetting of terrorism.”

In addition to abuses against medical professionals and humanitarian volunteers, evidence suggests that human rights observers were also targeted by the Hong Kong Police Force.

Rights Exposure notes in its written submission to the Commission that “several civil society organisations deployed teams of human rights observers at assemblies”.

“All the teams deployed wore apparel that identified them as human rights observers as well as the organisation they were with. In addition, all the observers carried identification cards issued by their organisations. Despite being clearly identified as human rights observers all the teams experienced being targeted by the HKPF with tear gas, pepper bullets, pepper spray, and water cannon in locations where no immediate violence was taking place and where clearly identified assembly monitors and journalists, as well as bystanders, were gathered. Members of the observer teams also reported that police ordered them to stop video recording police officers making arrests and dispersing protesters, even when the observers were already about 20 meters away. Some observers were threatened or even injured by police using batons and shields. On one occasion, police also forcibly removed an observer’s respirator after tear gas was deployed. On another occasion, police officers pointed less-lethal rifles at assembly monitors and journalists to disperse them. The use of less-lethal weapons against human rights observer team members would appear to be a combination of deliberate targeting or an example of indiscriminate use of force. On many occasions, these actions were in clear violation of the HKPF’s own internal guidelines on the use of force.”

On 1 January 2020, according to Rights Exposure’s submission to the Commission, 16 human rights observers of Civil Rights Observer (CRO) were deployed to monitor a protest organised by the Civil Human Rights Front. “Three observers were arrested in Causeway Bay,” Rights Exposure reports, “for ‘taking part in an unlawful assembly’, even though they explained their role and work to the police, had done nothing violent or unlawful and were wearing uniforms and cards clearly identifying them as ‘Human Rights Observer’. Police confiscated their clothes, observer uniforms, observer cards, protective gear, mobile phones and cameras which were used to document the Hong Kong Police Force’s actions.”

A representative of Rights Exposure who gave oral evidence to the Conservative Party Human Rights Commission in one of our hearings described his experience of being arrested after monitoring protests at Hong Kong Polytechnic University. Rights Exposure's written submission to the Commission details the experience:

"On 17 November 2019, two members of Rights Exposure's human rights observer team were deployed in the vicinity of the Hong Kong Polytechnic University to monitor the protests taking place there. When they tried to leave the area on the morning of 18 November, they were both arrested on "suspicion of participating in a riot". This was despite the two explaining to the police their role, that the organisation is legally registered in Hong Kong, and that they had contacted the police in writing in August 2019 before they had begun their monitoring work. The two were clearly identifiable as human rights observers, including by bilingual high visibility vests and work ID cards. The two observers had exclusively been engaged in monitoring the protest. When they were arrested, the area was peaceful, with no protest, violent or otherwise, taking place nearby.

The observers were then restrained with plastic hand ties and led to a coach. The coach drove to Hung Hom District Police Station in Ho Man Tin, Kowloon. They were taken into a temporary processing centre set up in the ground floor parking garage of the police station. Two uniformed officers sat behind a long desk with large log books to take down the name, age and occupation of each of the arrestees. Each arrestee had to walk up to the desk and face the officers. When asked for his name, age, and occupation, one of the observers pointed to "Human Rights Observer" written in Chinese on his high visibility vest. This was the trigger from a second officer, a station sergeant named K.Y. Chang at the booking desk to spout a torrent of verbal abuse in Cantonese, including the use of racial slurs, about the observer himself and human rights observers generally. He then proceeded to abuse the female observer in the same manner, including the use of sexual slurs based on her gender.

The observers were held for 15 and 26 hours respectively. During that time they were not provided with adequate food, somewhere to sleep nor blankets to keep warm during the night. Legal representatives for the two observers were delayed for several hours by the police from timely meeting with their clients, and one observer, a US national, was not provided with timely access to her consulate despite repeated requests. This was subsequently verified by consulate staff; the US Consulate General in Hong Kong was only notified by fax of the arrest as per usual practice.

Five months after their arrest, neither of the observers have been charged nor have they been pro-actively contacted by the police in regard to an investigation. However, the threat of being re-arrested and charged remains. The police continue to hold equipment used by the observers for monitoring protests, including protective equipment and their mobile phones, despite requests by their lawyers for their return. The police have refused to provide information on whether they have applied for a search warrant to access the phones, arguing that they are not legally obliged to do so. It is our position that the police cannot legally hold the phones indefinitely, nor access them without a search warrant. As such, the observers are now in the process of planning legal proceedings against the HKPF.²⁴⁹

They also provide an account of what they believe could amount to ill-treatment in police custody:

“Sometime in the late afternoon of 18 November whilst in detention, the two Rights Exposure observers suddenly heard a struggle behind a large curtained area that was in front of them to the right. It was next to the photographing and fingerprinting area, which was adjacent to where the police officers guarding them were seated. The curtains were green, movable ones with wheels like those used in hospitals. When they heard the struggle, they looked over. The curtains were moved allowing one of the observers to then witness a man being held by his collar and pushed into a corner—one side was the metal floor-to-ceiling shutters and one side was the movable curtain—the curtain swung open enough for her to see him held by the collar and pushed against the metal shutter. He was then pulled back, the curtain closed back.

There was some yelling back and forth, but then it sounded like it was just one officer hurling verbal abuses at the man. Based on what the officer was saying, the man may have resisted in some way and the officer (there may have been more than one) got angry and tried to restrain him. The metal shutters (on one side of the curtained area) kept vibrating and shaking, then the man let out two extended howls of pain. After that, the metal shutters continued to vibrate for several minutes, then it stopped. The howls of pain indicated to the two observers that the man was experiencing sustained and considerable pain (rather than short burst of pain from blows because no punching or hitting sounds were heard). This may have been from pain caused by twisting, pressure or invasion. The nature of the sound made them conclude that it was highly likely the individual was being subjected to what could constitute illtreat[ment] at the hands of the police.

When this first started, the group that was seated behind the observers and facing the other side must have turned around to look and they heard officers shouting at them, “What are you looking at? Turn around and look straight ahead!” The observers were facing in the direction of the struggle, so they just stared at the curtained area. There was dead silence in the entire processing center except for what was going on behind the curtains. The observers looked at officers who were within their line of vision to make eye contact, but no one caught their eye. They all looked away or were staring at the ground throughout the entire incident. After the struggle ended, the observers kept looking at the curtained area to see if the man would be brought out, but they never saw anyone being taken out. They suspect he may have been taken away through the metal shutters (that led to the station grounds), or through the other side of the curtained area and brought out. Subsequently, one of the observers met with another individual (a first aider) who claimed to have been held in the same holding area, who confirmed the incident. He stated that he saw one police officer emerge from the curtained area but did not see the detainee emerge.”

Rights Exposure observes in its submission that “a significant amount of evidence suggests the conduct of the HKPF in response to the protests amounts to ill-treatment, if not torture, of protesters in violation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”

The Democratic Party of Hong Kong also argues in its submission that “cases of torture, inhuman and degrading treatment were commonly seen during the protests”, and details several cases.

The Progressive Lawyers Group also alleges in its submission to the Commission “abuses committed against arrestees during police custody, including physical abuses (eg severe beatings resulting in hospitalisation), sexual assaults and obstruction of legal access.

Arrests of political activists have continued through 2020. Professor Hui notes that the arrest of the founder of the Democratic Party and father of the democracy movement Martin Lee and 14 other senior, mainstream, moderate, peaceful pro-democracy politicians on 18 April “should send the unmistakable signal that Beijing is reaching the end goal of imposing its version of ‘one country, two systems’ – capitalism without freedom – on Hong Kong.”

The Rights Practice comments in its written submission that “We have been dismayed to see how the fear of the police knock on the door in the middle of the night is no longer limited to the mainland of China, but is now a reality in the Special Administrative Region.”

Both Professor Hui and Professor Steve Tsang, Director of the China Institute at the School of Oriental and African Studies (SOAS), University of London, cite in their written submissions to the Commission the appointment in early 2020 of Luo Huining as head of the Chinese government’s Liaison Office in Hong Kong and of Xia Baolong as director of the Hong Kong and Macau Affairs Office in Beijing as indicators of the impending crackdown. The two were “undoubtedly picked because they had no prior experience of Hong Kong policy and were thus ‘uncontaminated’ by sensitivities to how Hong Kong and the outside world may think about the new policy,” Professor Tsang said in his submission. They had also proved themselves “as effective enforcers of Xi Jinping’s policy at the provincial party secretary (full ministerial rank) level”,

he added. “With their appointments, it was clear Beijing was going to take a hard-line towards Hong Kong.”

The United Kingdom has a clear responsibility to speak up for the people of Hong Kong under the Sino-British Joint Declaration.

As Professor Tsang emphasises in his submission to the Commission, “the UK has a treaty obligation to the people of Hong Kong ... This goes beyond extending the period of visa-free entry for holders of BNO passports with undefined pathways to citizenship ... The UK has a treaty obligation to take all available and appropriate actions to ensure the terms of the Sino-British Agreement are respected and the way of life protected until 2047.”

Professor Hui, in her submission to the Commission, argues that “British leaders must make it known to their Chinese counterparts that they cannot stifle Hong Kong’s freedoms and still expect the Western world to keep Hong Kong’s special economic status from which they have reaped immense benefits.”

Stand With Hong Kong, in its written submission to the Commission, argues that “Britain must lead on the international response on Hong Kong given its unique legal right and historic responsibility. While the Foreign Secretary’s efforts to work with Australia, Canada and the US are encouraging, a sustained, concrete response from Britain’s allies is the only way to secure an impactful outcome.” China’s breach of the Joint Declaration, according to Stand With Hong Kong, “clearly signals to the world that China does not respect the rules-based international order.”

Human Rights in China (HRIC) argues in its submission that “the UK must aggressively and strategically deploy the full range of diplomatic, legal and policy tools in all bilateral and multilateral fora and engage diverse stakeholders to promote compliance by China with international obligations ... The UK government, especially as a co-signatory of the 1984 Joint Declaration, must not lose its political courage in the face of threats of retaliation.”

Although the British government was arguably slow to respond to the deteriorating situation until 2020, its response to the imposition of the national security law, with its generous offer to extend a pathway to citizenship to Hong Kongers who hold British National Overseas (BNO) status, is to be welcomed and applauded. The decision to suspend the United Kingdom's extradition treaty with Hong Kong, and its extension of the arms embargo against the People's Republic of China to include Hong Kong, is also welcome. However, the Conservative Party Human Rights Commission believes there is still more that the United Kingdom can and should do, particularly in four areas:

- Leading a co-ordinated international response to the crisis in Hong Kong. The precedent for this has already been set by joint initiatives and statements through the G7 and the Five Eyes alliance (UK, Australia, New Zealand, Canada and the United States), but this could be strengthened in the form of establishing an international contact group to coordinate policy responses;

- Mobilising support at the United Nations for the establishment of a UN Special Rapporteur or Special Envoy or an alternative mechanism for monitoring and reporting on the human rights situation in Hong Kong;
- Imposing targeted sanctions against officials and entities in the regime in China and Hong Kong;
- Extending immigration opportunities to those born in Hong Kong after 1997, who do not qualify for BNO but who are among those most vulnerable to arrest if they participated in protests or political activities. This could be achieved through scholarships for study, a Young Talents scheme to provide opportunities to work in the United Kingdom, or the asylum system, and by encouraging our allies to offer similar measures to develop an international lifeboat rescue programme for Hong Kongers who need to leave the city for a place of sanctuary.

A year before the handover the British Prime Minister at the time, Sir John Major, said during a visit to Hong Kong: "If there were any suggestion of a breach of the Joint Declaration, we would have a duty to pursue every legal and other avenue available to us." The time has now come to make good on his promise.

⁴³ BBC, "UK 'concerned' as Hong Kong denies Benedict Rogers entry," 11 October 2017 - <https://www.bbc.co.uk/news/uk-politics-41586529>

⁴⁴ New York Times, "Hong Kong Denies Entry to Human Rights Watch Director, Group Says," by Neil Vigdor and Austin Ramzy, 12 January 2020 - <https://www.nytimes.com/2020/01/12/world/asia/kenneth-roth-hong-kong.html>

⁴⁵ Hong Kong Watch, Protest Prosecution Database - <https://www.hongkongwatch.org/protest-prosecution>

⁴⁶ Mandates of the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right to privacy, 19 February 2020 - <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25054>

⁴⁷ Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 29 January 2020 - <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25048>

⁴⁸ The All Party Parliamentary Group on Hong Kong inquiry into violations of human rights and humanitarian principles by the Hong Kong Police Force, 4 August 2020 - <https://www.hkinquiry.org/>

⁴⁹ At the time of publication it has now been one year since the arrest and there has been no change in the situation.

China's subversion of the United Nations, international human rights and the rules-based order

“China is engaging in a long-term campaign to influence UN human rights institutions through personnel appointments, policy making and controlling access by civil society”

– The Rights Practice



Summary

- China's increasing influence at the UN and other multilateral institutions is a concern
- It should be noted, however, that while China was re-elected to the UN Human Rights Council, it lost the support of 41 member states and received the lowest vote of any successful member
- The UK should use its new position at the UN Human Rights Council to continue to lead human rights initiatives
- The UK should support and build momentum behind the proposal by over 50 serving UN independent experts for the creation of a specific mechanism to address human rights in China.

The scope of the Conservative Party Human Rights Commission's inquiry was limited to the situation for human rights within the People's Republic of China. It is not within the Commission's mandate to provide analysis on wider geopolitical concerns regarding relations with China, except where they intersect with our specific remit of focus, namely human rights.

Nevertheless, the increasing influence of the Chinese regime within multilateral organisations, in particular the United Nations and most specifically the UN Human Rights Council, was raised in several submissions to our inquiry and cannot be ignored. If we wish to use existing international, institutional mechanisms to address China's human rights crisis, or establish new ones, we must be increasingly aware of the Chinese regime's efforts to subvert them and consider ways to counter that regime's malign influence in such institutions.

As Human Rights Watch stated in its written submission to the Conservative Party Human Rights Commission, "the Chinese government, allergic to foreign pressure about its domestic human rights problems, does not think twice about twisting arms to protect its image in international forums. Because a central purpose of the United Nations is to promote universal human rights, the UN has been a key target. The pressure has been felt all the way to the top. UN Secretary-General Antonio Guterres has been unwilling to publicly demand an end to China's mass detention of Turkic Muslims, while heaping praise on Beijing's economic prowess and the BRI [Belt and Road Initiative]."

The Rights Practice makes the same observation in its submission to our inquiry. "The United Nations is an important platform for China as it seeks to asset its interests at an international level," it notes. "Of particular concern is the effort China is putting into seeking support for its actions in Xinjiang. China is determined to frame its behaviour in terms of 'de-extremification' and counter-extremism."

Furthermore, The Rights Practice argues, "China is engaging in a long-term campaign to influence UN human rights institutions through personnel appointments, policy making and controlling access by civil society to UN premises and institutions. It has long played a dominant role on the sub-committee which approves consultative status for NGOs at the UN. Several British NGOs have had their applications for membership delayed or challenged by China due to their work." In 2018, The Rights Practice notes, Dolkun Isa, President of the World Uyghur Congress, was denied access to the UN in New York on what The Rights Practice describes as "unspecified security concerns" after China pressured UN security. The Society for Threatened Peoples, an NGO with consultative status which was supporting Mr Isa, faced threats that their status could be revoked. China also pressed Interpol to issue a 'red notice' against Mr Isa, which was subsequently withdrawn, The Rights Practice notes. Moreover, as The Rights Practice further notes in its submission, "the 2019 report of the UN Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights reports that several Chinese activists, human rights defenders and lawyers had reported to OHCHR (the Office of the High Commissioner for Human Rights) that they had been targeted for attending training sessions, including with United Nations staff, or engaging with the human rights mechanisms. Staff members of the NGO, China Human Rights Defenders, were similarly intimidated and harassed."

The Rights Practice goes on to state in its submission that: "China is currently trying to build support for a less critical approach by the Human Rights Council to monitoring the human rights records of member states. It has been working hard to secure support for a resolution it has drafted on 'mutually beneficial cooperation'. While this may sound anodyne a close reading reveals the risks China's so-called 'win-win' approach would pose to the ability of the UN to scrutinise the records of other members."

Human Rights Watch reinforces this point, noting in its submission that “at the UN Human Rights Council, China routinely opposes virtually every human rights initiative that criticises a particular country unless it is watered down enough to secure that government’s consent. In recent years, China has opposed resolutions condemning human rights violations in Myanmar, Syria, Iran, the Philippines, Burundi, Venezuela, Nicaragua, Yemen, Eritrea and Belarus... When China’s human rights record came up for a routine review in 2018 and 2019 at the Human Rights Council, Chinese officials threatened critical delegations while encouraging allies to heap praise. Beijing also flooded the speakers list reserved for civil society organisations with government-sponsored groups tasked with lauding its record. Meanwhile, its diplomats gave blatantly false information to the reviewing body, threatened delegations with consequences if they attended a panel discussion of abuses in Xinjiang, and sought to prevent an independent group focused on Xinjiang from speaking at the council. To top it off, Chinese authorities mounted a large photo display outside UN meeting rooms depicting Uyghurs as happy and grateful to them.”

The Rights Practice note in its submission that a joint letter to the Chinese government by twelve UN Special Procedures was published on 1 November 2019, “highly critical of China’s Counter Terrorism Law and its implementing measures for Xinjiang”. The letter is, The Rights Practice argue, “an important benchmark in signalling the United Nations’ concerns and we hope it will continue to inform UK policy.”

The United Kingdom has played a leading role within the UN in interventions on Xinjiang and other human rights concerns in China, and The Rights Practice notes this in its submission. “We very much hope the British government will continue to identify every opportunity to speak out on Xinjiang; we hope that statements on China will also name individuals who are at risk of ill treatment.” Furthermore, The Rights Practice argue, “it is vital that the UK continues to use its influence at the UN to oppose ... moves to weaken UN mechanisms and works constructively to build support among other countries to withstand Chinese pressure.”

The Conservative Party Human Rights Commission notes with concern China’s re-election to the UN Human Rights Council, although we also acknowledge with interest that it won the lowest number of votes from other member states since the Human Rights Council was established in 2006, losing support of 41 member states and receiving the lowest number of votes of any successful member.⁵⁰ The Commission also notes with concern China’s membership of the UN Human Rights Council’s Consultative Group, responsible for the nomination, selection and appointment of UN special procedures mandate holders.⁵¹

Furthermore, the Conservative Party Human Rights Commission has grave concerns regarding China’s proposed resolution on “mutually beneficial cooperation”, noting the view of China human rights advocate Andrea Worden that this “would move the Council one step closer to becoming a ‘Human Rights Council with CCP characteristics’ in which sovereignty, non-interference, ‘dialogue and cooperation’, ‘mutual respect’ and multilateralism would be prioritised as fundamental, non-negotiable principles, and the promotion and protection of human rights of individuals rendered an afterthought.”⁵²

However, the Conservative Party Human Rights Commission also notes with great interest the recommendation by over 50 serving UN independent experts for the creation of a specific mechanism within the UN to address the human rights crisis in China, including but not limited to Xinjiang, Tibet and Hong Kong, through a special session to evaluate the human rights situation, the establishment of a UN Special Rapporteur on human rights in China, and/or a Panel of Experts or a Special Envoy of the Secretary General, to “monitor, analyse and report annually on the human rights situation in China”, and for all member states and UN agencies to specifically demand that China fulfils its human rights obligations.⁵³ We further note the support such an idea has received from the former UN High Commissioner for Human Rights Zeid Raad al-Hussain and several former UN Special Rapporteurs.⁵⁴

The Conservative Party Human Rights Commission strongly urges the United Kingdom government to support the proposal for a UN special mechanism on China, including the establishment of a Special Rapporteur on human rights in China, and to work with like-minded countries to build momentum behind the idea and to work for its achievement.

Furthermore, we welcome the United Kingdom's election to the UN Human Rights Council for the period 2021-23 and urge the UK to play a leading role in holding the government of China to account for its human rights violations, countering China's efforts to dilute, co-opt, coerce or undermine the international human rights framework and restore confidence that multilateral institutions cannot be hijacked by violators of human rights but instead live up to the vision and values which they were established to pursue.

⁵⁰ Quartz, "China's election to the UN Human Rights Council revealed its shaky global status," by Mary Hui, 14 October 2020 - <https://qz.com/1917295/china-elected-to-un-rights-council-but-with-lowest-support-ever/>

⁵¹ RSF, "RSF concerned about China's entry into UN Human Rights Council Consultative Group," 10 April 2020 - <https://rsf.org/en/news/rsf-concerned-about-chinas-entry-un-human-rights-council-consultative-group>

⁵² Sinopsis, "China's win-win at the UN Human Rights Council: Just not for human rights," Andrea Worden, 28 May 2020 - <https://sinopsis.cz/en/worden-win-win/>

⁵³ UN OHCHR, "UN experts call for decisive measures to protect fundamental freedoms in China," 26 June 2020 - <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006>

⁵⁴ Hong Kong Watch, "51 UN Special Rapporteurs, Former UN High Commissioner for Human Rights Call for UN Mechanism on Hong Kong," 26 June 2020 - <https://www.hongkongwatch.org/all-posts/2020/6/26/49-un-special-rapporteurs-former-un-high-commissioner-for-human-rights-call-for-un-mechanism-on-hong-kong>

Conclusion

This report has set out in detail the evidence of the CCP's assault on basic fundamental human rights and freedoms, human dignity, international agreements and the international rules-based order. What is presented in this report is, to use a well-worn phrase, just the very tip of the iceberg, condensed as much as possible to ensure that such a document is readable without being simplistic, and in the knowledge that even the evidence presented to our Commission, abundant though it was, was in itself only a representative sample of the full picture.

The time has come for the United Kingdom to stand up for our values, defend our interests and re-think our relationship with the CCP. This report sets out why and how we should do that. When faced with increasing evidence that undoubtedly amounts, in some cases, to atrocity crimes of the highest level, grave violations of international human rights and humanitarian law, and perhaps the crime of genocide itself, how could it possibly be “business as usual” with the CCP any longer? This Commission can do no better than to reiterate in its conclusion the words of the China Tribunal into forced organ harvesting, chaired by Sir Geoffrey Nice QC, in its judgment when it reminds us that those interacting with the CCP regime should do so in the knowledge that they are “interacting with a criminal state”. The free world must act together to counter that criminality and hold that state accountable.

The image of a British Consulate-General employee from Hong Kong, Simon Cheng, handcuffed to a “tiger chair” and tortured; the image of a British businessman and experienced journalist, Peter Humphrey, in a cage confessing under duress and filmed by Chinese state television; the image of Uyghurs working as slave labour producing products

for British high street brands; the image of pro-democracy protesters in Hong Kong beaten with batons and hit by teargas, pepper spray and rubber bullets; the image of Chinese doctors and citizen journalists trying to alert the world to COVID-19 and being threatened, arrested or disappeared for their efforts; the image of crosses torn down and churches dynamited; the image of human organs forcibly removed from prisoners of conscience for use in the organ transplant market; the image of the Chinese-born president of Interpol, Meng Hongwei, disappearing and then being sentenced to 13 years in jail in China;⁵⁵ the image of a regime so insecure that it bans Winnie the Pooh;⁵⁶ the image of a Chinese state television reporter screaming abuse at the Conservative Party Human Rights Commission and our guests, three of Hong Kong's leading pro-democracy activists Martin Lee, Benny Tai and Nathan Law, and assaulting a volunteer at a fringe meeting at the Conservative Party Conference in Birmingham in 2018;⁵⁷ the image of members of the Conservative Party Human Rights Commission and others receiving threats, intimidation, harassment and lobbying efforts to silence them by the Chinese Communist Party regime and their agents;⁵⁸ the image of the Conservative Party Human Rights Commission's co-founder and deputy chair being denied entry to Hong Kong; the image of the Sino-British Joint Declaration being repeatedly and severely violated;⁵⁹ the image of a regime that removes constitutional limits on presidential terms and allows Xi Jinping to be president for life⁶⁰ – these are the images that, in their various diverse ways reveal the truth about the mendacity, brutality, inhumanity, insecurity and criminality of the Chinese Communist Party (CCP) regime.



Photo credit: City Broadcasting Channel of the City University of Hong Kong Students' Union

⁵⁵ BBC, "Meng Hongwei: China sentences ex-Interpol chief to 13 years in jail," 21 January 2020 - <https://www.bbc.co.uk/news/world-asia-china-51185838>

⁵⁶ BBC, "Why China censors banned Winnie the Pooh," 17 July 2017 - <https://www.bbc.co.uk/news/blogs-china-blog-40627855>

⁵⁷ Hong Kong Free Press, "Video: UK Conservative Party member 'assaulted by Chinese state TV reporter' during Hong Kong event at conference," 1 October 2018 - <https://hongkongfp.com/2018/10/01/uk-conservative-party-member-assaulted-chinese-state-tv-reporter-hong-kong-event-conference/>

⁵⁸ Bloomberg, "Boris Johnson's Conservatives are burning bridges with China," Alberto Nardelli, Kitty Donaldson and Peter Martin, 25 November 2020 - <https://www.bloomberg.com/news/articles/2020-11-25/boris-johnson-s-conservative-party-is-burning-bridges-with-china>

⁵⁹ The Guardian, "British Conservative Party activist barred from entering Hong Kong," by Tom Phillips and Benjamin Haas, 11 October 2017 - <https://www.theguardian.com/world/2017/oct/11/british-conservative-party-activist-benedict-rogers-hong-kong>

⁶⁰ BBC, "China's Xi allowed to remain 'president for life' as term limits removed," 11 March 2018 - <https://www.bbc.co.uk/news/world-asia-china-43361276>



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